REPUBLIC OF SOUTH AFRICA   REPUBLIEK VAN SUID-AFRIKA

Government Gazette
Staatskoerant

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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF FINANCE
DEPARTEMENT VAN FINANSIES

No. R. 448   **15 March 1996**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/320)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended, **with retrospective effect to 1 April 1995,** to the extent set out in the Schedule hereto.

A. ERWIN
Deputy Minister of Finance

No. R. 448   **15 Maart 1996**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No..3 (No. 3/320)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig, **met terugwerkende krag tot 1 April 1995,** in die mate in die Bylae hiervan aangetoon.

A. ERWIN
Adjunkminister van Finansies

SCHEDULE

I				II		III	Annota-tions
Rebate Item	Tariff Heading	Rebate Code	C. D.	Description		Extent of Rebate	
317.02				By the insertion after rebate code 04.00 to tariff heading No. 00.00 of the following:			
		"05.00	08	Goods of any description, in such quantities and at such times as the Director-General: Trade and Industry, on the recommendation of the Board on Tariffs and Trade, may allow by specific permit, for the manufacture of dumpers		Full duty"	

BYLAE

I	II				III	
Korting-item	Tarief-pos	Korting-kode	T.S.	Beskrywing	Mate van Korting	Annota-sies
317.02				Deur na kortingkode 04.00 by tariefpos No. 00.00 die volgende in te voeg:		
		"05.00	08	Goedere van enige beskrywing, in die hoeveelhede en op die tye wat die Direkteur-generaal: Handel en Nywerheid, op aanbeveling van die Raad op Tariewe en Handel, by bepaalde permit toelaat, vir die vervaardiging van storters	Volle reg"	

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INHOUD

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Vol. 369   PRETORIA, 14 MARCH 1996   No. 17038
                           MAART

GENERAL NOTICE

NOTICE 299 OF 1996

MINISTRY IN THE OFFICE OF THE PRESIDENT

INTEGRATED NATIONAL DISABILITY STRATEGY OF THE GOVERNMENT OF NATIONAL UNITY
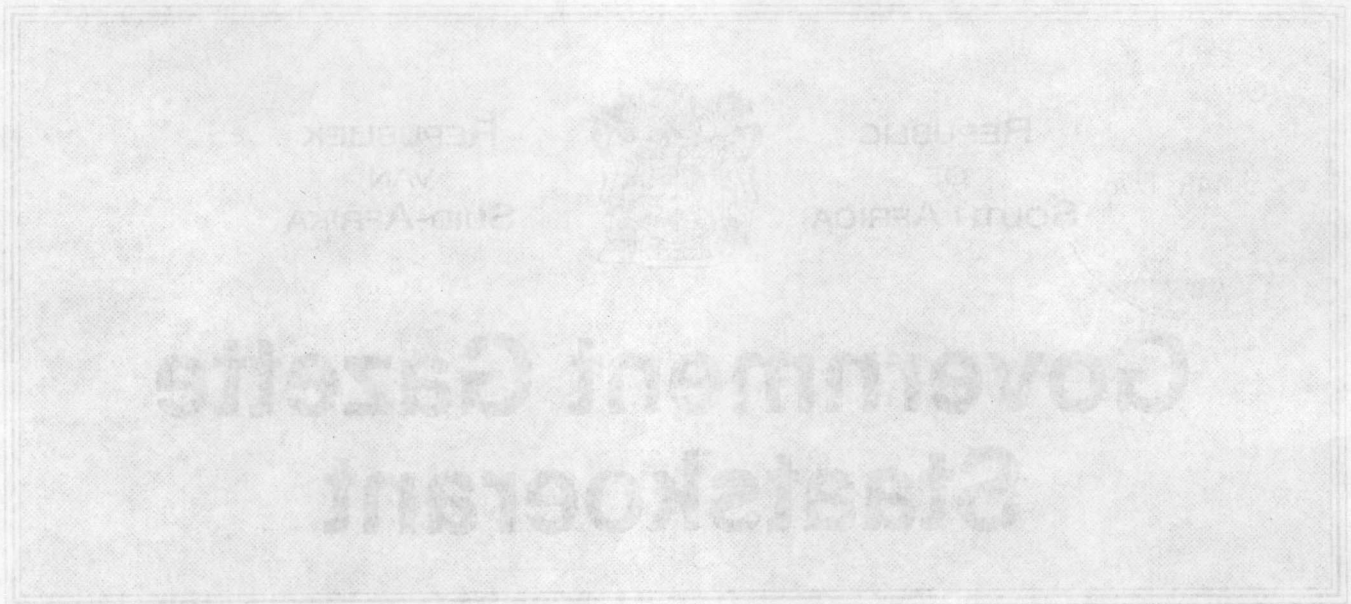
PRETORIA, 14 FEBRUARY 1996

The Integrated National Disability Strategy of The Government of National Unity is hereby published by The Ministry in the Office of the President as a discussion document for public comment. On the basis of Public comment government intends to publish a White Paper on The Integrated National Disability Strategy.

Comments should be submitted to:

> **"DISABILITY STRATEGY"**
> **MINISTRY IN THE OFFICE OF THE PRESIDENT**
> **PRIVATE BAG X1000**
> **PRETORIA**
> **0001**
>
> **TEL. No.: (012) 341-5569**
> **FAX No.: (012) 341-9612**

THE DEADLINE FOR SUBMISSION OF COMMENTS IS **31 MAY 1996.**

INTEGRATED
NATIONAL
DISABILITY
STRATEGY

DISCUSSION PAPER

Ministry in the Office of the President

INTEGRATED NATIONAL DISABILITY STRATEGY

Approximately 10% of all South Africans have a disability and encounter discrimination and marginalisation daily because of their disabilities. Disabled people are also amongst the poorest of the poor and prevailing services to disabled people are hopelessly inadequate.
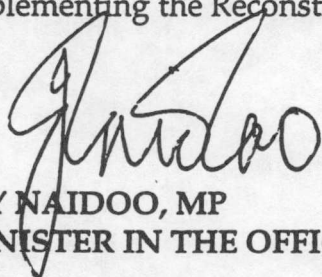
The government of National Unity in consultation with the National Coordination Committee on Disability and Disabled People South Africa are calling for a paradigm shift from welfare to development.

The Interim Constitution recognises the equal rights of disabled people. Giving effect to constitutional principles requires a commitment from government and civil society, to redressing the imbalances and creating an enabling environment for people with disabilities.

The Integrated National Disability Strategy of the Government of National Unity must be influenced by the collective wisdom of our people and unite our efforts for development. This is therefore a discussion document which requires your comment. We call an individuals and organisations of and for disabled people across the country to consider the issues and recommendations laid out in this document, and to make comment and contributions which will improve this document.

The RDP Office will collate these comments, which should be submitted before the end of May 1996. On the basis of these inputs Government will publish a White Paper on disability.

We hope that you seize this opportunity and make your contribution to implementing the Reconstruction and Development Programme.

JAY NAIDOO, MP
MINISTER IN THE OFFICE OF THE PRESIDENT

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ABBREVIATIONS

ABET	Adult Basic Education and Training
APD	Association for the Physically Disabled
CANSA	Cancer Association of South Africa
CBR	Community Based Rehabilitation
CSIR	Council for Scientific and Industrial Research
CSS	Central Statistical Services
DBSA	Development Bank of Southern Africa
DiCAG	Disabled Children Action Group
DPI	Disabled People International
DPO	Disabled People Organisation
DPSA	Disabled People South Africa
GNU	Government of National Unity
HRD	Human Resource Development
HSRC	Human Science Research Council
IDT	Independent Development Trust
ILO	International Labour Organisation
LHR	Lawyers for Human Rights
NCCD	National Coordinating Committee on Disability
NEAP	National Environmental Accessibility Programme
NEDLAC	National Economic Development and Labour Council
NGO	Non-governmental Organisation
NIEP	National Investigation for Economic Policy
NOCSA	National Olympic Committee of South Africa
PLP	Presidential Lead Project
QUASA	Quadriplegics Association of South Africa
RDP	Reconstruction and Development Programme
RI	Rehabilitation International
SAAOT	South African Association of Occupational Therapists
SABC	South African Broadcasting Corporation
SABS	South African Bureau for Standards
SABWO	South African Blind Workers Organisation
SACS	South African Communication Service
SAFCD	South African Federal Council on Disability
SAFMH	South African Federation for Mental Health
SAFOD	Southern African Federation on Disability
SANCB	South African National Council for the Blind
SANCD	South African National Council for the Deaf
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Science and Culture Organisation
WBU	World Blind Union
WHO	World Health Organisation
WPA	World Programme of Action concerning Disabled Persons

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Executive summary

INTEGRATED NATIONAL DISABILITY STRATEGY

Office of the Minister without Portfolio

There are very few reliable statistics on the prevalence and nature of disability in South Africa. The Department of Health has estimated that approximately 13 percent of the South African population is disabled. Research suggests that approximately 5 percent of the population is severely disabled. Whatever the reliability and accuracy of the estimates, disability affects numbers far greater than these, in that it affects not only the person with the disability but also that person's family and community.

In the past disability was regarded primarily as a health and welfare issue. Since April 1994, however, a fundamental principle of our society is that of equal rights, where each individual is of equal importance, should have equal opportunity to participate fully in society and equal obligations and responsibilities towards that society. This implies a shift in how we look at disability to a developmental, rather than a welfare, approach.

The Government of National Unity (GNU) has accepted the responsibility of giving effect to such a developmental approach. This undertaking includes:

■   ongoing and effective consultation with organisations representing disabled people.
■   establishing a management system to implement and monitor strategies.
■   allocating the necessary resource to all sectors and tiers of Government.

Discrimination affects all disabled people, irrespective of the nature of the disability. However, people with different disabilities have different needs and concerns. This means that measures adopted by the Government to eradicate the inequalities and promote equal opportunities need to reflect this in both their design and their implementation.

The four preconditions for disabled people to participate in society are: raising the awareness of the public, medical care, rehabilitation and support services. The draft framework on disability has recommended steps to be taken in respect of each of these, and has also suggested stakeholders who need to be involved.

The document also discusses priority areas that should be targeted in a disability programme. The identified targets are environmental accessibility, education and training, employment, income maintenance and social security, housing and especially sensitive groups among the disabled. These priority areas illustrate the wide-ranging nature of an effective disability programme.

The first of these priority areas is a specific concern of disabled people. The next four are all functions, but point out the special need of disabled people within the overall programmes of the departments concerned. In the last category, the sensitive groups are specified as women with disabilities, children with disabilities, elderly people with disabilities and disabled people living in rural areas. Each of these - women, children, the elderly and rural dwellers - itself cuts across line functions.

The wide-ranging and multi-sectoral nature of the initiative will require a permanent office within the RDP to ensure ongoing monitoring and supervision of progress at all levels.

The document proposes an initial lead-in period covering 1996/97, followed by a medium-term national plan for the period. The next international review of the World Programme of Action concerning Disabled Persons is planned for 2002, and this would provide South Africa with an opportunity to draw on its own experience in the intervening years, as well as that of the international community, in devising a plan for the following five years.

FOREWORD

Purpose of this draft strategy document

The Government of National Unity (GNU) is committed to redressing the desperate situation the majority of disabled people in South Africa face by ensuring that the equality promised in the 1993 Constitution becomes a reality. The Government acknowledges that disability is a human rights and development issue which cuts across the responsibilities of a wide range of government departments and institutions in society. It requires policy interventions in the spheres of constitutional development, economics, education, housing, environmental planning, employment, legal reform, health, welfare, gender, language, culture, social security, science and technology, sport and recreation, transport and others.

The Reconstruction and Development Programme (RDP), as a programme designed to finally eradicate the results of apartheid, recognises the particularly severe and complex ways in which this unequal social, economic and political system has affected disabled people.

The purpose of this document is to provide a framework from which integrated and coherent policy can be developed to inform the objectives in the RDP to meet the needs of disabled people in our country. It is therefore only by understanding and recognising the ways in which disabled people have been disempowered and marginalised that an effective and sustainable programme for change can be developed. It is the aim of this document to provide a background for developing this understanding that will facilitate the integration of effective programmes of action within the RDP.

The integrated National Disability Strategy that will be drafted from input received on this document will assist the GNU to create an enabling environment that will lead to the full participation and equalisation of opportunities for persons with disabilities at all levels of society during and after the period of reconstruction and development

The following documents have been used extensively in drafting the Discussion Document on an integrated National Disability Strategy:

~   UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1993)
~   World Programme of Action concerning Persons with Disabilities (1983)
~   Long Term Strategy for the Implementation of the World Programme of Action concerning Disabled Persons
~   Disability Rights Charters of South Africa

This document was developed through a broad consultative process with line functions and the disability NGO sector, as well as within the RDP office. Previous consultative processes, e.g.

~   the South African Disability Rights Charter Campaign
~   other disability related charters
~   international documentation
~   national conferences
have all been integrated into the document.

A report on the status of disabled people was published during the National Year of the Disabled in 1986. However, due to a lack of central coordination, few of the recommendations were implemented. Relevant recommendations contained in the final report have been integrated into this document. It is envisaged that the recommendations contained in this document are achievable,

given the commitment by the GNU to establish a central coordinating office concerning disability.

The document contains a situation analysis of the present status of disability issues in South Africa, and then sets out the vision and elements of a national integrated disability strategy for South Africa. It concludes with a proposed programme of action within suggested time frames.

Part One

DISABILITY IN SOUTH AFRICA

1   DISABILITY AS A HUMAN RIGHTS AND DEVELOPMENT ISSUE

1.1   In the past, disability has been regarded as a health and welfare issue with the responsibility of 'caring' for disabled people falling on civil society. State intervention was channelled through welfare institutions with little or no commitment to addressing disability in other areas of government responsibility, e.g. access to education and training, employment, service delivery, sport and recreation, public transport. The dependency which this welfare model creates disempowers disabled people and isolates and marginalises them from the mainstream of society.

1.2   In contrast, a human rights and development approach to disability leads to the creation of equal opportunities. This is the process through which the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly to disabled people.

The principle of equal rights implies that the needs of each and every individual are of equal importance, that those needs must be made the basis for the planning of societies and that all resources must be employed in such a way as to ensure that every individual has equal opportunity for participation.

1.3   Persons with disabilities are members of society and have the right to remain within their local communities. They should receive the support they need within the ordinary structures of education, health, employment and social services.

1.4   As persons with disabilities achieve equal rights, they should also have equal obligations. As those rights are being achieved, societies should raise their expectations of persons with disabilities. As part of the process of equal opportunities, provision should be made to assist persons with disabilities to assume their full responsibility as members of society.

1.5   The nature of the inequalities which disabled people in South Africa have experienced have been defined by the system of apartheid, where these policies have not only been a major cause of disability but have also created significant under-development and poverty among the majority of disabled people, especially in the rural areas.

1.6   Reconstruction and development of our society therefore involves recognising and addressing the developmental needs of disabled people.

1.7   While the risk of impairment and disability is much greater for the poverty stricken, the opposite is also true. The birth of an impaired child, or the occurrence of disability in the family, often places heavy demands on its morale, thus thrusting it deeper into poverty. The combined effect of these factors results in higher proportions of disabled persons among the poorest strata of society. For this reason, the number of affected families living at the poverty level steadily increases in absolute terms. The negative impact of these trends seriously hinders the development process.

1.8   Development's ultimate goal is an inclusive society which recognises and values individual difference and acknowledges common humanity and equality. The low level of understanding of disability issues, and the exclusion of persons with disabilities from the development pro-

cess, necessitate that programmes focusing specifically on disability are developed in order to raise awareness, change attitudes, promote equal opportunities, and to find creative and practical means of adapting society to meet the needs of all people, including those who are disabled.

1.9   Nation-building where all citizens can participate in a single economy can only take place if persons with disabilities are included in the process.

2   DEFINITIONS AND TERMINOLOGY

2.1   Persons with disabilities have rejected traditional medical definitions of disability as inadequate and discriminatory, and maintains that disability is a result of the failure of a structured social environment to adjust to the needs and aspirations of citizens with disabilities rather than from the inability of an individual with a disability to adapt to the demands of society.

2.2   The UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities recommend the use of the following:

Disability - This term summarises a great number of functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.

Handicap - The term 'handicap' means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasise the focus on the shortcomings in the environment and in many organised activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.

2.3   A great deal of confusion exists regarding the use of acceptable terminology. In line with the UN recommendations as well as disabled people's organisations in South Africa, the following terminology is recommended:

Recommended	Rejected
Persons with disabilities/disabled people	The handicapped
Persons with physical disabilities	Physical handicap/cripple
The deaf	Deaf and dumb/deaf mute
Persons with mental handicap	Retarded
Persons with mental illness	Mad/mental
Persons with epilepsy	Epileptics
Person with a ...	Person suffering from a...

3   THE SITUATION OF DISABLED PEOPLE IN SOUTH AFRICA

3.1   Disability prevalence

It is important to realise that very few reliable statistics exist on the prevalence and nature of disability in South Africa. There are a number of contributing factors to this situation, amongst others, definitions of disability vary, studies tend to reflect the 'medical' model of disability, stigmatisation and statistical policies of the apartheid government.

The World Health Organisation (WHO) estimates that 10 per cent of the world's population is disabled. Although this figure can be used to provide an estimate of the number of disabled people in South Africa, both the government and some NGOs have estimated that factors such as poverty and violence may have contributed to a greater prevalence of disability in this country. The Department of Health estimated that the number of disabled people in South Africa constituted 12,8 per cent of the population.

The United Nations Development Programme (UNDP) calculates that 4,4 - 6,1 per cent of the population in developing countries are moderately to severely disabled. A figure of 5 per cent has been stated by researchers who have undertaken studies in some of the rural areas of South Africa.

If the statistics noted above are considered we can only estimate that the prevalence of disability in South Africa ranges between 5 and 12 per cent of the population.

Despite the unreliability of available statistics it is important to realise that disability affects not only the person with the disability but also the family and community. Thus a vast proportion of people in South Africa are directly affected by disability and the inequalities and marginalisation which disabled people experience.

3.2   Causes of disability

Many factors have been, and still are, responsible for the rising numbers of disabled persons and the relegation of disabled persons to the margin of society. These include, among other things:

~ wars and other forms of violence, destruction, poverty, hunger, epidemics, major shifts in population
~ a high proportion of overburdened and impoverished families; overcrowded and unhealthy housing and living conditions
~ a high proportion of illiteracy and little awareness of basic social services or of health and education measures
~ an absence of accurate knowledge about disability, its causes, prevention and treatment; this includes stigma, discrimination and misconceived ideas on disability
~ inadequate programmes of primary health care and services
~ constraints, including a lack of resources, geographical distance, physical and social barriers, that make it impossible for many people to take advantage of available services
~ the channelling of resources to highly specialised services that are not relevant to the needs of the majority of people who need help
~ the absence or weakness of an infrastructure of related services for social assistance, health, education, vocational training and placement
~ low priority in social and economic development for activities related to equalisation of opportunities, disability prevention and rehabilitation
~ industrial, agricultural and transportation-related accidents; natural disaster, and pollution of the physical environment
~ stress and other psycho-social problems associated with the transition from a traditional to a modern society
~ the imprudent use of medication (e.g. in the psychiatric field), the misuse of therapeutic substances and the illicit use of drugs and stimulants
~ the faulty treatment of injured persons at the time of a disaster or accident, which can be the cause of avoidable disability
~ urbanisation and population growth and other indirect factors.

3.3 Prevention

It is clear that there is a very close link between the focus areas that the RDP places emphasis on, i.e.

~ basic needs
~ human resource development and capacity building, and democratising society and prevention of disability. Implementation of the RDP should therefore contribute substantially towards prevention.

The Standard Rules define prevention as '...*action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action, such as*

~ *primary health care*
~ *prenatal and postnatal care*
~ *education in nutrition*
~ *immunisation campaigns against communicable diseases*
~ *measures to control endemic diseases*
~ *safety regulations*
~ *programmes for the prevention of accidents in different environments, including adaptation of workplaces to prevent occupational disabilities and diseases*
~ *prevention of disability resulting from pollution of the environment or armed conflict.*'

3.4 Disability specific needs and special groups of disabled people

Discrimination affects all disabled people, irrespective of their disability. However, people with different disabilities have different needs and concerns. However, discrimination affects disabled people in different ways, e.g. a visually impaired person and a physically disabled person may both experience discrimination in the workplace. It is likely that the visually impaired person will experience difficulties with the lack of support in the form of specialised equipment or assistive devices. On the other hand, the physically disabled person is likely to experience the existence of an inaccessible building and facilities. Both, however, may experience prejudice when applying for a job, or lack of adequate protection if they become disabled while they are employed.

The general and specific nature of discrimination against disabled people means that measures adopted by the Government to eradicate these inequalities and promote equal opportunities need to reflect this understanding in their design and implementation.

It is important to realise that there are particular groups of disabled people who have been severely discriminated against and marginalised. The factors which have contributed to the recognition that there are vulnerable groups of disabled people are socio-economic factors or other forms of discrimination which exist in our society, for example, racial and gender discrimination or disabled people living in remote rural areas.

A number of categories of disabled people are particularly vulnerable and in need of special attention. These include:

~ women
~ children
~ elderly people

~　　persons living in rural or peri-urban areas

~　　refugees and displaced persons and workers employed in foreign countries.

In South Africa, people disabled through political violence, are an extremely important and vulnerable group.

3.5　　NGO disability sector

3.5.1 *Organisations for disabled people (service provider organisations)*
Organisations for persons with disabilities are usually controlled by able-bodied people that provide services to persons with disabilities.

Local service provider organisations are affiliated to various national councils according to the type of disability catered for. Accordingly, there are national councils for the deaf, blind, physically disabled, mental health, epilepsy and cancer.

3.5.2 *Organisations of disabled people*
Organisations of disabled people, including parents of disabled children, are usually informal or formal self-help groups exercising control over decision-making within the organisation.

(a)　　Disabled People South Africa (DPSA) is recognised by Disabled People International (DPI) as the national assembly of disabled persons in South Africa.

(b)　　Local organisations of disabled persons and/or parents of children with disabilities are affiliated to DPSA and Disabled Children's Action Group (DiCAG).

3.5.3 *SA Federal Council on Disability (SAFCD)*
Both the service provider national councils and DPSA come together in the South African Federal Council on Disability. A process is under way to establish provincial NGO federal councils.

3.5.4 *International links*
The disabled community in South Africa has strong international links with their international counterparts.

~　　The Disability Rights Movement is affiliated to DPI which has observer status in the UN.

~　　DPSA is also a member of the Southern African Federation of the Disabled (SAFOD) which links organisations of disabled people throughout Southern Africa.

~　　The National Association for the Physically Disabled is affiliated to Rehabilitation International (RI).

~　　The SA Council for the Blind (SANCB) is affiliated to the World Blind Union (WBU).

~　　The SA Council for the Deaf (SANCD) has observer status on the World Federation for the Deaf.

~　　The SA Federation for Mental Health is affiliated to the World Federation for Mental Health.

3.6　　Key areas of concern

Persons with disabilities have identified key areas of concern during the past few years. This is reflected in the various disability related charters that have been drafted through an extensive consultative process.

3.6.1 *Education*
The majority of disabled people in South Africa have had no or little access to educational provi-

sion. This situation exists because in the past very little provision was made for the establishment of special schools for disabled children and government policy prevented disabled children from attending mainstream schools. Where this policy was not enforced, disabled children could often not attend mainstream schools because of inaccessible buildings, transport problems and poor teaching facilities.

The scenario discussed above had led people working in this area to estimate that over 50 per cent of disabled children are presently out of school. Children with disabilities living in rural areas are particularly adversely affected.

The poor provision of education has also led to extremely high levels of illiteracy among disabled adults. A number of factors continue to prevent disabled adults from benefiting from Adult Basic Education and Training (ABET) programmes. These factors include, among other things

~   lack of facilitators trained to meet the needs of some disabled adults, for example deaf and blind adults
~   inaccessible buildings
~   no accessible public transport facilities.

3.6.2 *Employment, income maintenance and social security*

Unemployment remains a fundamental problem which affects the majority of disabled people and their families. In 1985 a HSRC/NTB enquiry showed that 72,6 per cent of the total disabled population was found not to be economically active. This was in comparison to 38,8 per cent of the total population[1].

In 1990 research undertaken showed that only 0,26 per cent of disabled people were employed in the open labour market. This means that approximately 99 per cent of disabled people are not employed in the formal sector.

The extremely high prevalence of unemployment among disabled people is due to a number of factors, among other things:

~   inadequate educational provision
~   discriminatory and ineffective legislation
~   discriminatory attitudes by employers
~   inadequate provision for vocational rehabilitation.

Pension fund and medical aid scheme regulations are often the barrier companies in the private sector face when employing persons with disabilities, as restrictions placed on admission by persons with disabilities to these funds and schemes are often severe and discriminatory.

This situation also means that the majority of disabled people are dependent on social welfare grants. Despite the inadequacy of these grants many disabled people and their families depend on this monthly amount for basic needs. The high number of people dependent on disability grants places a large burden on the social security system in our country. The present system of disability grant allocation and administration is discriminatory, punitive and highly unsatisfactory.

An amount of approximately R2,7 billion was allocated for disability grants in 1994/95. A breakdown according to race clearly indicates that the number of black disabled people receiving grants, is far less than the actual number of disabled persons that should receive grants (1994):

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[1] Statistics quoted by M.da Avila-Coelho in 'Equity for People with Disabilities'. *Rehabilitation SA*, Vol 38, June 1994

House of Assembly	42 000
House of Delegates	25 500
House of Representatives	109 000
TPA	63 000
NPA	23 500
CPA	56 000
PAO	18 000
Former TBVC states	49 000
Former self-governing territories	126 000
TOTAL	**512 000**

Many disabled people who are employed are employed in sheltered workshops or are involved in various income-generating projects. The nature and focus of sheltered workshops and projects vary considerably, however, all of these initiatives rely heavily on subsidisation and fund-raising to maintain their existence. In many sheltered workshops other problems such as poor administration and lack of worker participation also exist.

Closely related to the problems which disabled people experience in this area are the difficulties and inadequacies evident in the provision of other state services such as health care, rehabilitation, and the provision of assistive devices.

3.6.3 *Accessibility of the environment*
Accessibility is the key to freedom for persons with disabilities, as it ensures freedom of movement and access to information. There are a number of barriers in our social environment which prevent disabled people from enjoying equal opportunities with able-bodied people, e.g.

~ inaccessible buildings and toilet facilities for wheelchair users
~ lack of accessible public transport
~ public services, such as libraries, museums, clinics, media, etc. are inaccessible, particularly to visually impaired and deaf people.

The term 'Environmental Accessibility' encompasses both accessibility of the built environ and accessibility in terms of access to communication, e.g.

~ design of buildings, nature trails, urban and rural infrastructure that will ensure inclusive use by all citizens, including wheelchair users and mothers with prams
~ use of technology that will ensure inclusive use by all consumers, e.g. the use of sign language on television, availability of documents in Braille and/or on cassette.

The National Environmental Accessibility Programme (NEAP)
NEAP is a programme of action designed to ensure an accessible environment which includes access to information and communication, especially for disabled people. The following aspects of accessibility form the prime focus of NEAP:

~ existing access monitoring
~ community access awareness
~ rural access problems
~ access to communication and information
~ current access legislation
~ the new code of practice
~ accessibility of transport systems
~ special parking facilities.

NEAP provides a nationally coordinated network of provincial subgroups who monitor and advise on accessibility. Their role include liaison and monitoring of the compliance with the National Building Regulations, with local authorities, individuals and all other organisations associated with the built environment.

NEAP is in the process of researching, developing and distributing technical planning data on barrier free access in the built environment. This includes the development of technical standards, with specific reference to existing legislation and the new Code of Practice for Accessibility of Buildings to Disabled People (1993).

It is also represented on the Telecommunications Forum and is presently investigating international communication and information technology. NEAP has also assisted Satour in developing the National Accessibility Grading System (1995).

Physical environment

Specific problem areas:

~ planning professionals do not recognise the specific detail to provide an accessible environment

~ development agencies, eg IDT and DBSA, do not have clear policies to address environmental access, with the result that hundreds of schools, clinics and other public buildings are presently being built disregarding access requirements

~ standards prescribed by the National Building Regulations require review

~ no environmental access norms have been incorporated in the Public Sector Briefing Document

~ specialist expertise in the field of environmental access is limited within South Africa

~ funding for upgrading programmes in public sector buildings has been insignificant in view of the extent of the problems. The Department of Public Works has allocated a budget of R0,5 million per annum towards making existing public buildings physically accessible.

Access to communication and information

~ Very little development in the field of technology regarding communication and access to information for deaf persons and persons with visual disabilities has taken place in the past.

~ The advance in technology has often meant that persons with sensory disabilities have been further handicapped, e.g.

- security systems at building entrances relying on voice
- touch sensitive buttons in lifts
- switchboard technology.

~ Specialised technology is extremely expensive, making it virtually impossible for a predominantly unemployed sector to obtain.

Transport

With the exception of air travel, no accessible transport system is available to the majority of disabled South Africans. No commuter transport system exists that transports disabled people to and from the workplace and other public amenities.

New and refurbished buses and trains are being commissioned throughout South Africa which takes no cognisance of the disabled passenger. For those disabled persons fortunate enough to own their own transport, an appropriate national parking system is still awaited.

Disabled commuters who are reliant on the minibus network are confronted daily by hostilities and prejudice (it takes time loading a wheelchair), and discrimination (an extra fare is charged for the wheelchair)

4   CONSTRAINTS FACING THE DISABLED SECTOR

4.1   Welfare model

A large section of the population still view disability in a 'welfarist' manner, restricting integration and development. Persons with disabilities are regarded as in need of constant care, with very little understanding of the effect of the disempowerment this causes.

4.2   Lack of understanding of disability

People tend to feel threatened by disability, and/or believe that they 'know better'. This leads to decisions being made for persons with disabilities, often not in their interest.

4.3   Lack of capacity

The lack of insight and understanding of disability has led to a severe lack of capacity to plan and implement disability-related policies and programmes, and to integrate disability into broader development programmes at all tiers of Government, both within government and the NGO sector, including service organisations and DPOs.

4.4   Lack of non-discriminatory and integrated disability related policy and legislation

4.4.1   *Existing legislation*

For disabled people, who are the most marginalised minority group in our society, existing legislation not only fails to protect their rights as citizens but actively discriminates against them in a number of important areas.

Although there have been some positive developments for disabled people through the new Constitution there are still many ways in which the law is discriminatory and denies disabled people their rights. Many of these laws do not meet standards and principles enshrined in international human rights instruments, particularly those adopted by the United Nations. These instruments should form the guiding documents for the changes which need to take place in our law.

Four specific areas of concern for disabled people have been identified:

~   Statutes which deny disabled people their rights and discriminate against them:

Blind Persons Act
This Act needs revision in its entirety to analyse its enabling, as well as its discriminating aspects.

Mental Health Act (Act 18 of 1973, as amended)
This Act, which was designed to 'provide for the reception, detention and treatment of persons who are mentally ill; and to provide for incidental matters', fails to protect the rights of mentally ill people in a number of ways. The most important area of concern relates to the involuntary detention of mentally ill people. This section of the Act not only fails to afford sufficient protection to people with mental disabilities but is also inherently open to abuse and falls foul of international human rights principles.

Electoral Act (Act 202 of 1993, as amended)
Sections 16 (a) and 16 (b) of the Electoral Act stipulate two categories of persons who are not eligible to vote. These are persons who have been declared by a court to be of unsound

mind, mentally disordered or affected, or detained as mentally ill patients under the *Mental Health Act of 1973*.

Firstly, voting is a fundamental political right. Secondly, while there are mentally disabled people who, because of the severity of their impairment, may not have the capacity to make a meaningful decision in this regard and are thus susceptible to exploitation by political parties intent on securing votes at any cost, this should not impair the fundamental rights of the many mentally disabled people who currently cannot vote and who have the capacity to do so.

~   The application of laws and associated regulations

There are also aspects of existing legislation whose application leads to discrimination of disabled people. Often, the nature of the discrimination is not obvious from merely reading the statute. The way in which disabled people are discriminated against by the law is only made obvious when the law is put into practice.

Most often, discrimination takes place through the application of regulations which govern the particular Act. The regulations may be applied nationally or may be specific regulations drafted at a provincial or local level.

The Public Service Act, 1994

Section 10 (1) specifies the qualifications for permanent appointment to all departments of the Public Service. The three criteria which must be met before the person qualifies for permanent employment include that 'in so far as his or her condition of health is concerned, complies with such requirements as may be directed by the Commission under Section 3 (4) (b) of the Act'.

This section authorises the Public Service Commission to give directions regarding 'the health requirements to which a person shall conform before he or she may be appointed as an officer'. An officer is defined as a person who is employed permanently and is distinct from an employee who is in a temporary capacity whether full-time or part-time. The commission may restrict any person who fails to meet the health requirements from gaining permanent employment.

The health requirements are specified in the Public Service Staff Code. The relevant section is Section D of Chapter B.III/III/D and is entitled 'Health Requirements'. Under these requirements all applicants for any job in the Public Service must disclose extensive personal details relating to their health. The code probes into a wide variety of disabilities, both past and present, both physical and mental, regardless of whether they relate to the requirements of the job sought.

If the completed health questionnaire is not sufficient for a decision to be made on their eligibility for permanent employment, the applicant must undergo a medical examination. The Department of Health can also be consulted regarding the eligibility of a candidate for permanent employment.

While a central criteria for permanent employment status is based on the requirements of Section D of the Staff Code, the Public Service retains absolute discretion to refuse permanent employment to any person with a disability. The current requirements allow the Civil Service to exercise discretion based on the nature of a person's disability rather than their competency for a particular job.

In the past the Public Service has used the health requirements to prevent disabled people from gaining permanent employment status. This overt discrimination has taken place because of the existence of these health requirements in the legislation and because of the discretion which is allowed heads of departments in Section D of the Staff Code with regard to the employment status of a person in the Public Service. While the application of these regulations remain a central component of employment policy in the Public Service, discrimination of disabled people will continue to exist.

The new Labour Relations Act

The new Act makes important steps towards addressing discrimination in the workplace. In Schedule 3, which relates to transitional arrangements, discrimination on the grounds of disability is included in the definition of an unfair labour practice. Moreover, this definition specifically includes applicants for jobs. Thus under the proposed legislation disabled workers are afforded significantly more protection than in the past.

Workmen's Compensation Act (Act 30 of 1941)

The Act makes provision for an Accident Fund to provide limited compensation to workers falling within the ambit of the Act for loss of earnings through an accident at work. There are a number of criteria which must be met before the applicant may receive compensation. A number of these criteria often create problems for the worker in accessing their compensation.

The money which a person who has become disabled through an accident at work, receives, is most often too little to survive on and to support a family. Moreover, the stringent tests applied in the allocation of state disability grants, often result in a person being refused a disability grant on the basis that they are receiving Workmen's Compensation.

The Act also states that the employee loses any claim he/she might have had against the employer as a result of the accident.

~ Poor administration

Another important area of discrimination results from laws which are badly and ineffectively administered. Thus where there are laws which allow for disabled people to access their rights, their experience is one where these specific rights are denied them in practice, despite the existence of the legislation:

The Social Assistance Act (Act 59 of 1992)

This Act consolidates a number of statutes which dealt with State social assistance and makes provision for, amongst others, disability grants to people with disabilities over the age of 18, care-dependency grants to severely mentally or physically disabled children, grants-in-aid to people who require attendant care and capitation grants for the maintenance of people staying in welfare homes.

Although this act significantly improves on the area of social assistance to disabled people, many of the problems which people experienced in the past related to the application of regulations governing the act and most importantly, the system which existed to administer the application and payment of grants. In summary, the administration of social pensions remains totally ineffective and inaccessible to disabled people. While this system remains in place disabled people will be unable to access rights contained in legislation.

National Building Regulations and Building Standards Act (Act 103 of 1977)

1986 heralded a new era in the development of enabling legislation for disabled persons when the National Building Regulations Act of 1977 was amended to set out requirements which must be met in order to make buildings accessible to disabled people, particularly wheelchair users. These regulations include provisions such as ramps, accessible toilets, wheelchair accommodation in auditoriums and access to buildings from parking areas. They apply to all new buildings and buildings undergoing alterations.

While the introduction of these regulations marked an important development for some disabled people, once again they are badly administered and monitored. This means that many buildings remain inaccessible and disabled people using wheelchairs are unable to enjoy access to many facilities.

~ No legislation

South Africa presently has no Equal Opportunities Legislation. Much debate has, however, taken place in the past few years within the disabled community of Southern Africa regarding the most effective legislation to ensure equal opportunities for persons with disabilities.

~ Other existing legislation

There are a number of laws that contain, or should contain, disability-related clauses. The majority of these need revision to ensure that it will contribute to the equalisation of opportunities for persons with disabilities:

The Machinery and Occupational Safety Act (Act 6 of 1983)
Unemployment Insurance Act (Act 30 of 1966)
Occupational Diseases in Mines and Works Act (Act 78 of 1973)
The Defence Act (Act 44 of 1957)
Education Acts
The Mentally Retarded Children's Training Act (Act 63 of 1974)
The Administration of Estates Act (Act 66 of 1965)
The Criminal Procedure Act (Act 51 of 1977)
The Health Act (Act 63 of 1977)
The Medical Schemes Act
The Road Traffic Ordinances (1966)
Tax legislation
National Monuments Act

4.5 Lack of an effective service-delivery infrastructure

Service delivery to persons with disabilities historically was the responsibility of predominantly welfare, church and other non-government organisations, with little or no interaction with the mainstream NGO sector. Services were historically concentrated in the urban areas. This has resulted in isolated, small scale service-delivery projects with little or no support and contact.

Part Two

CONTEXT OF NATIONAL PROGRAMMES OF ACTION FOR PERSONS WITH DISABILITIES

1   WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS

1981 was declared the International Year of Disabled Persons by the United Nations. This year was not recognised by the South African Government. It was nevertheless promoted by the NGO sector with the theme of *Full participation and equality*, which gave rise to the development of a disability rights movement in this country.

The most important outcome of the International Year Of Disabled Persons was the adoption of the World Programme of Action Concerning Disabled Persons during the UN Decade of Disabled Persons (1983-1992). The purpose of the World programme of action is to promote effective measures for prevention of disability, rehabilitation and the realisation of equal opportunities for persons with disabilities.

2   1986: NATIONAL YEAR OF DISABLED PERSONS

1986, the International Year of Peace, was also not recognised by the South African Government, who, apparently in an attempt to divert attention from the violence raging in the country at the time, declared a National Year of the Disabled.

Investigations carried out during the year by NGOs, including DPSA, and the Government on the situation of disabled people in the country revealed the complete absence of any workable policy on disability and gross discrepancies in the few services which existed, both racial and in terms of rural/urban distribution of services.

Following the 1986 investigation an Interdepartmental Coordinating Committee for the Care of the Disabled (ICCD), involving state departments as well as the NGO sector, was established to implement the various recommendations arising out of the 1986 investigation. At the end of 1991 it had not succeeded in implementing one of its tasks and it was subsequently disbanded.

It was then decided to restructure the then South African Federal Council on the Rehabilitation of Disabled Persons so that it could fulfil the function of policy development, building on the experience and creative interaction between service providers and representatives of organisations of disabled people gained over the preceding seven years. The Federal Council was to interface with the political negotiating process rather than the government of the day. This structure also struggled as a result of lack of capacity and other factors.

3   STANDARD RULES ON THE EQUALISATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES

The UN facilitated the drafting of the Standard Rules for the Equalisation of Opportunities for Disabled Persons to provide governments with more clear guidelines on actions to be taken. The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities were adopted by the UN General Assembly on 20 December 1993.

3.1   **Aims of the Standard Rules**

~   The Rules imply a strong moral and political commitment by the State to take action for the equalisation of opportunities for persons with disabilities.

~   They offer an instrument for policy-making and action. The purpose is to ensure that all persons with disabilities may exercise the same rights and obligations as other citizens.

~   The Rules outline crucial aspects of social policies in the disability field, and provide models for the political decision-making process required for the attainment of equal opportunities.

~   It also propose national mechanisms for close collaboration among the State, organs of the UN system, NGOs and DPOs

3.2   **Objectives of the Standard Rules**

~   to stress that all action in the field of disability presupposes adequate knowledge and experience of the conditions and special needs of persons with disabilities

~   to emphasise that the process through which every aspect of societal organisation is made accessible to all is a basic objective of socio-economic development

~   to outline crucial aspects of social policies in the field of disability, including, as appropriate, the active encouragement of technical and economic co-operation

~   to provide models for the political decision-making process required for the attainment of equal opportunities, bearing in mind the widely differing technical and economic levels, the fact that the process must reflect keen understanding of the cultural context within which it takes place and the crucial role of persons with disabilities in it

~   to propose national mechanisms for close collaboration among states, the organs of the UN system, other intergovernmental bodies and organisations of persons with disabilities

~   to propose an effective machinery for monitoring the process by which states seek to attain the equalisation of opportunities for persons with disabilities.

3.3   **Political and moral foundation**

The International Bill of Human Rights, comprising the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the World Programme of Action concerning Disabled Persons, constitutes the political and moral foundation for the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.

4   NATIONAL COORDINATING COMMITTEE ON DISABILITY (NCCD)

Following further negotiations between the Federal Council, Government and the negotiating process, and in line with the draft recommendations in the Standard Rules, the National Co-ordinating Committee on Disability (NCCD) was launched in September 1993. The NCCD is the national consultative forum on disability in South Africa, with representation from the NGO sector and Government. (See Part Four, Page 45)

5 DISABILITY RIGHTS CHARTERS

5.1 Disability Rights Charter of South Africa

During 1991, the Disability Rights Unit of Lawyers for Human Rights (LHR) together with DPSA, started working on a charter of demands of disabled people in South Africa. The development of a draft charter involved a lengthy process of consultation with many organisations of disabled people throughout the country to collect their demands. The final charter, after various processes of ratification, was finally adopted by the DPSA Council in December 1992.

The Disability Rights Charter of South Africa reflects demands from disabled people which aim to promote equal opportunities for all disabled people. It is a document which asserts the right of all disabled people to live independently in a safe environment and in a society free from all forms of discrimination, exploitation and abuse.

5.2 Specific disability-related charters

In order to address the more specific needs of people with different disabilities, various sectors within the disabled community have been involved in developing charters expressing the specific demands and rights of different sectors of the disabled community. These charters are important in highlighting how people with different disabilities experience discrimination in different ways and thus reflect the importance of a comprehensive and integrated approach to addressing disability issues in South Africa.

The SA Blind Workers Organisation (SABWO) drafted a Charter of Demands for Persons with Visual Disabilities that have subsequently been endorsed by the SANCB's Council as representative of the views of persons with visual disabilities.

The deaf community has initiated a process of listing their specific demands in response to the Disability Rights Charter of South Africa.

6 1993 CONSTITUTION

Another important development for the disabled community in South Africa took place when the 1993 Constitution came into effect in 1994.

Chapter 3 of the 1993 Interim Constitution guarantees fundamental rights to all citizens. It includes in Section 8, the equality clause, the right to freedom from discrimination based on a number of social criteria. Discrimination based on disability is specifically mentioned and thus disabled people are guaranteed the right to be treated equally and enjoy the same rights as all other citizens. The inclusion of this provision in the Constitution has far-reaching implications for preventing discrimination against disabled people in our society.

The Right to Franchise, however, excludes people with mental disabilities that are confined to an institution from the vote.

Provision is also made for affirmative action. Persons with disabilities have clearly been disadvantaged in the past, and should benefit from this clause.

7 THE RECONSTRUCTION AND DEVELOPMENT PROGRAMME (RDP)

7.1 **RDP White Paper 1**

The first White Paper of the RDP commits itself to the following:

> *'The Government will design, in consultation with disabled people, a comprehensive programme for the disabled which will enhance their engagement in society and remove discriminatory practices against them, especially in the workplace. Government will also discuss means to reintegrate mentally and physically disabled people into their communities...'*

Although this significant commitment has been made by the GNU, it is also important that the needs of disabled people are integrated into all the components of the RDP. The Government acknowledged that the first White Paper did not address disability in an integrated manner and the commitment was limited to the statement quoted above.

With these concerns in mind a Disability Programme was established in the Office of the Minister Without Portfolio to facilitate the integration of disability fully into the RDP.

7.2 **Implementation of RDP thus far**

The importance of integrating disability issues into all areas of policy development and strategic planning and the weaknesses inherent in programmes where this has not taken place is evident in an evaluation of the implementation of the Presidential Lead Projects (PLPs) thus far and their capacity to meet the needs of disabled people.

~ Free health care for children under six years has not always automatically been extended to include rehabilitation and the provision of assistive devices.

~ The Primary School Nutrition Scheme has not reached the majority of disabled children as they are presently not in schools.

~ The National Literacy Campaign will not reach the majority of disabled adults, particularly those who are deaf and blind, due to inaccessible communication and teaching methods. Physically disabled adults will also be excluded as a result of inaccessible public transport and centres of learning.

~ Clinics built under the Clinic Building Programme are inaccessible to wheelchair users.

~ Schools built under the Culture of Learning Programme are also physically inaccessible to wheelchair users.

Part Three

AN INTEGRATED NATIONAL DISABILITY STRATEGY

1 VISION: A SOCIETY FOR ALL

1.1 In a society for all, the needs of all citizens constitute the basis for planning and policy. The general systems and institutions of society is accessible to all. By accommodating its structures and functioning to the needs of all, society mobilise the potential of all its citizens and, consequently, strengthens its developmental potential.

1.2 People with disabilities are a natural and integral part of society and, in the interest of society as a whole, should have opportunities to contribute their experience, talents and capabilities to national and international development.

1.3 The concept of a society for all, encompassing human diversity and the development of all human potential, can be said to embody, in a single phrase, the human rights instruments of the United Nations. Defining and translating the human rights of disabled persons into specific measures and programmes remains a major challenge. The Standard Rules are the main instrument guiding public policy in the direction of ensuring the human rights of disabled persons.

1.4 To assist the GNU to create an enabling environment that will lead to the full participation and equalisation of opportunities for persons with disabilities at all levels of society during and after the period of reconstruction and development. This includes the right of disabled people to assume their full responsibility as members of society.

2 OBJECTIVES

~ to facilitate the integration of disability issues into government developmental strategies, planning and programmes
~ to develop an integrated management system for the coordination of disability planning, implementation and monitoring in the various line functions at all tiers of Government
~ to develop capacity building strategies that will enhance Government's ability at all levels to implement recommendations contained in the National Disability Strategy.

3 PRINCIPLES

3.1 People-driven process

~ A fundamental principle which informs the outlook of the Disability Rights Movement in South Africa and internationally is the right to self-representation.
~ This means that the collective determination of disabled people must be used to inform the strategies of the RDP.
~ The Government, in recognising this principle, acknowledges the advisory role of organisations of persons with disabilities and their representatives in processes of decision-making.

3.2 Democratisation

~ The right to equality guaranteed in the 1993 Constitution must include social and political equality at all levels.

~ This means that disabled people should enjoy equal access to fundamental rights even if the exercise of these rights involves removing barriers and creating enabling mechanisms, eg

- the right to vote for disabled people is restricted by inaccessible polling booths and voting material

- the right of access to public information is restricted as a result of inaccessible public media

- failure to recognise sign language prevents deaf people from enjoying access to full participation in the social, political and economic life of the country.

~ While disabled people are excluded from the mainstream of social and political life, they are marginalised from democratisation and the process of reconstruction.

3.3 Integration and sustainability

Historically disability issues has been addressed in a piecemeal, fragmented fashion. This has been one of the key factors which has contributed to the marginalisation of disabled people and the situation of dire poverty in which the majority find themselves.

If the needs of disabled people are to be effectively addressed and the objectives of the RDP are to be met, then disability needs to be fully integrated into the principles, strategies and framework of the programme. This will ensure that the effects of apartheid as they have affected disabled people will be eradicated in a sustainable process of reconstruction.

4 STRATEGIC GUIDELINES

~ The development of a national disability strategy needs to take place within a coherent programme of reconstruction and development and must be planned and implemented in terms of strategic guidelines.

~ The pursuit of goals of freedom from want, hunger, deprivation, ignorance, suppression and exclusion should underpin strategies for disability planning.

~ The funding of a national disability strategy as part of the RDP should effectively link up with all potential sources of finance and policies relating thereto, whether from the public sector, the private sector, parastatals and external donor and loan finance.

~ All disability programmes in support of the RDP should be carried out with the appropriate consultation and facilitation, and should have the necessary monitoring mechanisms.

~ The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, the World Programme of Action concerning Disabled Persons and the Disability Rights Charters will be the guiding documents in developing, implementing and monitoring a national disability strategy.

Part Four

ELEMENTS IN AN INTEGRATED NATIONAL DISABILITY STRATEGY

1 GOVERNMENT RESPONSIBILITY

The GNU has asserted the political will to address the needs of disabled people and challenge the inequalities of the past. The GNU is therefore assuming responsibility for facilitating, funding and managing the process of reconstruction to ensure that political will is channelled into effective action and recognisable change that will lead to the equalisation of opportunities.

The GNU subscribes to the Standard Rules, as indicated in the World Summit for Social Development Report.

The responsibility assumed by Government includes, among other things,
~ ongoing and effective consultation with organisations of disabled people
~ the setting up and researching of a management system to implement and monitor strategies
~ the allocation of funds to all sectors and tiers of Government involved.

The GNU will take the lead in implementing the National Disability Strategy in such a way that all stakeholders may become involved in the planning, implementation and in monitoring the progress of the strategy.

2 PRECONDITIONS FOR EQUAL PARTICIPATION

There are four preconditions for equal participation, i.e. enabling mechanisms that will lead to full participation by persons with disabilities in target areas:

2.1 Awareness raising

Action will be concentrated on raising awareness in society about
~ persons with disabilities
~ their needs
~ their potential and their contribution
~ as well as relevant information on services and programmes related to disability.

Recommendations:

The RDP Disability Programme, in consultation with SACS and the NCCD Awareness Commission needs to develop a medium and long term awareness/information/communication strategy.

Other stakeholders include
~ Department of Posts, Telecommunications and Broadcasting
~ Public Broadcaster (SABC)
~ DPOs and NGOs
~ Line functions with disability awareness programmes

The GNU needs to establish a National Information Service on services, programmes and paralegal assistance within the NCCD Secretariat.

2.2   **Medical Care**

The GNU will develop strategies to ensure effective and equal medical care to persons with disabilities at all tiers of Government. This includes

~   programmes for the early detection, assessment and treatment of impairment
~   training programmes for medical and paramedical personnel to ensure relevant treatment methods, advice and technology
~   programmes to ensure regular treatment and medicines needed to maintain or improve their level of functioning
~   measures to identify and redress discrimination on the basis of disability, particularly in the areas of family planning and counselling.

> **Recommendations:**
>
> **The health authorities need to**
> ~   **investigate present barriers in health programmes**
> ~   **develop programmes to redress/remove discrimination within the health sector**
>
> **Stakeholders include**
> ~   **DPOs**
> ~   **NGOs**
> ~   **PHC Directorate**

2.3   **Rehabilitation**

The Standard Rules defines rehabilitation as
> '... *a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric and/or social functional levels, thus providing them with the tools to change their lives towards a higher level of independence. Rehabilitation may include measures to provide and/or restore functions, or compensate for the loss or absence of a function or for a functional limitation. The rehabilitation process does not involve initial medical care. It includes a wide range of measures and activities from more basic and general rehabilitation to goal-oriented activities, for instance vocational rehabilitation.'*

The GNU acknowledges that rehabilitation is a cross-sectoral issue, with health, welfare, education and labour being the major stakeholders together with DPOs and NGOs. Government needs to develop effective coordinating mechanisms at all tiers of Government.

The GNU also acknowledges that the development and implementation of a national rehabilitation policy and strategy is a priority, and that community-based rehabilitation (CBR) should form the basis of such a national rehabilitation policy, with support from a continuum of secondary and tertiary rehabilitation support services. Assistance will be requirested from the World Health Organisation (WHO), the International Labour Organisation (ILO) and UNESCO.

Recommendations:

Ratification of ILO Convention 159 of 1983 regarding Vocational Rehabilitation (Department of Labour/NEDLAC)

Invitation to the WHO, UNESCO and ILO to assist with the development of a national rehabilitation policy (departments of Health, Education, Labour)

Immediate state support for the existing Community-Based Rehabilitation Training Programmes

2.4   **Support services**

2.4.1   *Assistive devices and equipment*
Mobility: Wheelchairs, crutches, prosthesis, walking frames, white canes, guide dogs
Visual: Braille frames and machines, computer adaptations
Auditory: Hearing aids, TTY's

2.4.2   *Personal assistance*
The difference between disability and handicap is the level of integration and the extent to which one minimises the handicap (barrier-free design). This can be realised in two ways:

Mechanics: Through the provision of mechanical assistance such as wheelchairs, writing splints, tape and Braille material, symbol boards, computer technology, etc.
Personal Assistance: There are, however, tasks that cannot be accomplished by the use of mechanics. Therefore personal assistance is needed to provide necessary personal and private assistance in certain circumstances and disabilities, especially the more severe and multiple disabilities. Users of Personal Assistance can be categorised as follows:
~   **Blind**: readers for students and personal mail, guides, secretaries, clothes coordinator, driver
~   **Deaf**: interpreters or signers
~   **Quadriplegics**: all private/personal activities, drivers
~   **Speech impairment**: facilitator in the use of speech-enabling devices
~   **Multiple disability**: overall facilitator in some or all of the above

Personal Assistance support by the state should be part of the disability service-delivery system. This would include, among other things:

~   subsidies for Personal Assistants for employees
~   subsidies for a one-stop Personal Assistance service to NGOs
~   Personal Assistance allowances should be paid to the user and not to agencies.

2.4.3 *Interpreter services*
The mother tongue of deaf people is sign language. Yet this was not recognised as an official language in the 1993 Constitution, mostly due to lack of understanding by hearing people. The majority of deaf people had no formal education, and is therefore not able to access any mainstream opportunities.

Interpreter services for deaf persons enable them to communicate freely with society, and is an essential element for equal opportunities for deaf persons.

There is presently no facilities for the training of interpreters, although it is envisaged that the first such facility will be launched in 1995, with the following consequences:

~ Deaf people appearing in court do not have access to a fair trial, as the courts do not have access to formally trained interpreters.

~ Deaf people in need of health, rehabilitation or counselling services cannot receive these in their first language, rendering these services virtually inaccessible.

~ Deaf people have very little access to centres of learning, e.g. adult education, higher education or training centres due to lack of trained interpreters.

~ Even parents of deaf children have very little access to learning sign language, and is therefore denied the right of communication with their children.

Problem areas
~ lack of availability and maintenance of assistive devices
~ lack of appropriate technology development
~ lack of interpreter services for deaf people
~ lack of Personal Assistance for severely disabled people
~ insufficient resource allocation for assistive devices
~ insufficient policy and procedures re assistive devices
~ lack of sufficient policies within the medical aid field
~ discriminatory taxation on assistive devices
~ lack of sufficient policies re assistive devices in the event of injury-on-duty, MVA and disasters.

Recommendations:

Personal Assistance:
The RDP Disability Programme, in consultation with the Department of Welfare and Population Development and the NCCD, needs to develop a national strategy for appropriate personal assistance programmes.

Other stakeholders include
~ NGO sector
~ DPOs
~ Independent Living Movement
~ Independent Living Centres

Assistive Devices and Equipment:
The RDP Disability Programme, in consultation with the Department of Health and the NCCD Rehabilitation Commission, needs to develop a national strategy for the supply and maintenance of appropriate assistive devices.

Other stakeholders include
~ Department of Health (Rehabilitation, Tariff's Commission, Appropriate Health Technology Commission)
~ Department of Education, Department of Labour
~ SAFCD
~ International agencies
~ SAAOT

A Technical Committee to develop a national strategy for the development of appropriate technology needs to be established.

Stakeholders include
~   Department of Health
~   Department of Arts, Culture, Science and Technology
~   Department of Education and Training
~   CSIR ; SABS
~   Private sector involved in the manufacturing of assistive devices
~   SA Orthotists Association/Technikons
~   International agencies
~   SAFCD

Interpreter Services:
The RDP Disability Programme, in consultation with the Department of Arts, Culture, Science and Technology and the NCCD, needs to develop a national strategy and plan of action for the development and funding of sign language and interpreter services.

Other stakeholders include:
~   Department of Education and Training
~   Department of Justice
~   Department of Labour
~   Department of Health
~   Department of Welfare and Population Development
~   SA National Council for the Deaf (SANCD)
~   Deaf DPOs
~   SA Sign Language Institute
~   International agencies/NGOs

3   TARGET AREAS FOR EQUAL PARTICIPATION

Organisations of persons with disabilities have identified priority or target areas that need urgent redressing.

3.1   **Environmental Accessibility**

Recent consultative meetings with national and provincial governments, as well as parastatal agencies have highlighted the need for the development of a culture of awareness in the field of environmental accessibility. The initiative must be controlled by DPOs who have a clear understanding of the problems, and must be supported by Government at all levels.

Recommendations:

Physical Access:
The GNU needs to adopt a clear policy with regards to environmental accessibility, including
- immediate review of the National Building Regulations regarding Part 'S'
- inclusion of environmental accessibility norms within the Public Sector Briefing Document
- recognition and support for the NEAP programme
- the development of a broad phase of environmental access expertise in conjunction with NEAP
- the allocation of realistic budget allocations to address environmental upgrading of public sector buildings
- the introduction of tax incentives to owners of existing private sector buildings that require upgrading
- a 'no-access-no-funding' policy

Access to Communication and Information:
The RDP Disability Programme, in consultation with the Department of Arts, Culture, Science and Technology and the NCCD, needs to develop a national policy and strategy for the development of appropriate technology and legislation regarding access to communication and information.

Other stakeholders include
- Department of Posts, Telecommunication and Broadcasting
- SABS
- CSIR
- NEAP

Transport:
The Department of Transport needs to develop a national strategy for transport of disabled persons in consultation with NEAP and other stakeholders, for example the Department of Public Enterprises

3.2 Education and training

The recently adopted White Paper on Education and Training recommends that a National Commission on Special Needs in Education and Training be established to undertake a thorough needs analysis.

Emphasis should be placed on
- the development of clear policy which is understood and accepted at school level and by the wider community
- curriculum development to ensure flexibility, addition and adaptation
- quality material development
- on-going teacher training and support to teachers.

The present definition for special education puts special education outside the mainstream. This is an inappropriate and discriminatory practice that needs urgent redressing in policy develop-

ment. The definition needs to be replaced with the concept of Special Educational Needs (SEN), which recognises that every child is special and proposes provision for all categories under one umbrella policy. This means that all children should

~ have access to the widest possible educational and social opportunities
~ be educated in as normal an environment as possible
~ be provided with the resources needed to realise their highest potential.

Free compulsory education will also apply to children with disabilities.

A national policy geared at mainstreaming/enrolment in regular schools presupposes the provision of interpreter and other appropriate support services, with integrated and community-based programmes as complementary approaches in providing cost-effective education and training for persons with disabilities.

Special education should be available to students with severe disabilities, (e.g. students with severe visual, hearing or mental disabilities) and in situations where the general school system does not yet adequately meet the needs of persons with disabilities. It should, however, always be aimed at preparing students for education in the general education system as soon as advisable.

Specific attention should also be given to

~ very young children with disabilities
~ pre-school children with disabilities
~ children with multiple disabilities
~ adults with disabilities, e.g. the inclusion of disabled adults, especially those with sensory disabilities, in national literacy programmes.

> **Recommendations:**
>
> **The immediate establishment of a National Commission on Special Needs in Education and Training in consultation with the NCCD (Department of Education and Training)**
>
> **Invitations to UNESCO and other international agencies, e.g. the DANIDA, to assist with the development of a relevant integrated education policy**
>
> **Immediate adoption and implementation of a policy on accessibility of school building programme**

3.3   Employment

3.3.1 *Employment equity*
The two main sources of law in South Africa, namely legislation and common law, have had very little to offer in the nature of employment equity promotion for people with disabilities.

The common law 'freedom of contract' principles for instance, dictates that all subjects enter freely and voluntarily into contracts and it is only when they have made their choice that they are bound by their own decisions. Accordingly an employer at common law enjoy the complete liberty to choose who to hire and who not. The employer is therefore not bound by any legal obligation

to make special accommodation for the employee with special needs.

Legislation is often introduced at the instance of the most influential, vocal and powerful. Three statutes in South Africa constitute the foundation of employment equity legislation in the private sector:

~ The Labour Relations Act
~ The Wage Act
~ Basic Conditions of Employment Act.

A significant section of employed people with disabilities, namely those employed in sheltered or protected workshops (i.e. employees whose wages are subsidised by the State), has been excluded from the ambit of this legislation.

Unfair Labour Practice

The concept of 'unfair labour practice' is entrenched in the Labour Relations Act and a lifeline for many employees who fall victim of bad employment practices followed by unscrupulous employers. The present applicable definition has completely left out any specific reference to discrimination, without excluding it as a possible basis for 'unfair labour practice'. Accordingly, discrimination on the grounds of disability should constitute one such ground. This does, however, not assist job-hunters, but only employees.
Employment relationships are normally terminated by death, retirement or dismissal. Employees with disabilities are often forced to retire or dismissed on the grounds of 'continued ill health' even if they can still perform their duties as employees. They are also often the first to be retrenched during hard times and sometimes with no sympathy or support from trade unions to which they are affiliated.

Dismissal

Industrial legislation is silent on the subject of dismissal and only the common law as interpreted by the courts prevails. The courts in the past have held that if an employee can no longer perform the basic functions of his/her job, the employer must provide alternative jobs that are available. In reality, very few alternative jobs are available, and very few employees have access to courts.

Public Sector

The employment equity situation in the Public Sector too has very little to offer for the disabled employee or job-hunter. Although the Public Service Act states that no otherwise qualified person shall be prejudiced in appointments to the Public Service, it provides elsewhere that officers may be dismissed on the grounds of 'continued ill-health', incapacity or inefficiency. In many instances the State makes no efforts to adjust the workplace and to provide the necessary facilities for employees with disabilities, or to place such employees in more user-friendly working environments when it is possible to do so. The stringiest health requirements built into the legislation governing the Public Service also contribute towards making entry almost impossible for them. Finally, illegal practices such as appointing a person permanently on a temporary basis and unfair treatment regarding promotions, still prevail in our Public Sector.
A very important aspect of the proposed new Labour Relations Act is that it consolidates virtually all law pertaining to labour relations in South Africa under one Act:
~ private sector
~ local authorities
~ Public Service Labour Relations Act (in terms of employees appointed under the Public Service Act)

~　Education Labour Relations Act (excluding educators employed at universities, technikons and private schools)
~　Agriculture Labour Relations Act.

Most importantly is the fact that the new Act seeks to bring our legislation in this field closer to ILO standards, and to give effect to the RDP and our new Constitution.

Significance of the new Labour Relations Act

Workers with disabilities stand to benefit from the various improvements introduced by the Act for all workers. However, in addition to these benefits and advantages, there are those aspects which are particular to their situation and which warrant special mention:

Code of Good Practice: Dismissal for Incapacity (ill health) (Schedule 4)

Clause 5(1) of the Code deals with ill health as a basis for dismissal on the ground of incapacity. The provisions themselves are fairly loose and could have best been integrated into the Act itself, as opposed to a Code.

Protection for the Disabled Job-hunter against Discrimination

Schedule 3 of the Act prohibits unfair discrimination, whether directly or indirectly, on various grounds including disability. The definition further states that the term 'employee' shall include 'an applicant for employment'. This means, under the new Labour Relations Act, that not only are people with disabilities already employed/in employment protected, but applicants for jobs are too, which is a phenomenal innovation in our labour jurisprudence.

3.3.2　*Programmes*

The GNU supports the integration of persons with disabilities into open employment. A national strategy needs to be developed in consultation with all stakeholders, including the ILO. Active support could include any of the following:

~　vocational training
~　incentive-oriented quota schemes
~　reserved or designated employment
~　loans or grants for small business
~　exclusive contracts or priority production rights
~　tax concessions
~　contract compliance
~　other technical or financial assistance to enterprises employing workers with disabilities
~　assistance to employers to make reasonable adjustments to accommodate disabled people.

Action programmes could include:

~　measures to design and adapt workplaces and work premises to make them accessible for persons with different disabilities
~　support for the use of new technologies and the development and production of assistive devices, tools and equipment, and measures to facilitate access to such devices and equipment to gain and maintain employment
~　provision of appropriate training and placement and on-going support such as personal assistance and interpreter services

3.3.3　*Small, Medium and Micro Enterprises (SMMEs)*

The majority of DPOs have embarked on small enterprises to assist in covering expenses incurred in their struggle for equal opportunities, as well as to provide a nominal additional income, almost without exception without any government or parastatal support.

Discrimination on the grounds of disability has led to virtually no access to financial assistance

through the development corporations for the majority of individuals and self-help groups.
Lack of trainers skilled in training persons with specific needs, e.g. deaf persons and persons with
visual disabilities, as well as physically inaccessible training facilities and public transport, have led
to the exclusion of persons with disabilities from training opportunities.
The above needs to be addressed in the SMME Strategy document. It might be necessary to imple-
ment a specific disability-related SMME development programme (in the short term) that will
lead to full integration of persons with disabilities in access to SMME services.

3.3.4 *Present disability programmes in the Department of Labour*
The Department of Labour is presently spending 12 per cent (approximately R30 million per
annum) of their total budget on disability-related programmes, which include:

~ placement services
~ wage subsidy scheme
~ re-adjustment board - bursary scheme
~ sheltered factories
~ awareness (Rehabilitation South Africa and pamphlets).

Impact is, however, limited due to the lack of intersectoral collaboration and integration of dis-
ability in broader development programmes.

3.3.5 *NEDLAC*
The National Economic Development and Labour Advisory Council (NEDLAC) is an important
instrument through which persons with disabilities can ensure inclusive labour policies for South
Africa. Some of the disability-related key issues that need redressing include

~ prevention of disability within the workplace
~ unfair dismissal due to disability
~ creation of employment opportunities for persons with disabilities
~ inclusion of enabling mechanisms to ensure that persons with disabilities benefit from job
  creation programmes.

3.3.6 *International Labour Organisation (ILO)*
The Department of Labour has had preliminary informal discussions with the ILO, and has in-
vited the ILO to 'conduct a needs assessment mission and policy review in April 1995 after which
a programme of assistance could be agreed upon, including policy advice, training of trainers,
and project design and management.' It is envisaged that the outcome of this process will lead to
a more comprehensive realistic approach to creating an enabling environment for the employ-
ment of persons with disabilities. Relevant ILO Conventions include

~ Convention 142 and Recommendation 150 concerning Vocational Guidance and Vocational
  Training in the Development of Human Resources
~ Convention 159 and Recommendation 168 concerning the Vocational Rehabilitation and
  Employment of Disabled Persons.

Recommendations:

The Department of Labour needs to develop a national strategy for the employment of persons with disabilities.

Stakeholders include
~　Department of Labour
~　ILO
~　NGOs (SAFCD); DPOs (DPSA)
~　Department of Education and Training
~　Department of Welfare (Sheltered Workshops)

Ratification of ILO Conventions and Recommendations (NEDLAC and the Department of Labour)

Inclusion of national guidelines and enabling mechanisms to include persons with disabilities in the SMME national strategy document.

DPO representative on SMME structures and employ
~　Small Business Development Agency (SBDA)
~　Local Service Centres (LSC)
~　National Small Business Council (NSBC)
~　Provincial SMME Unit Advisors

3.4　Income maintenance and social security

3.4.1　*Social security*

~　State pensions or grants

The majority of persons with disabilities is unemployed and their chances of finding jobs are very poor. This means that the majority of persons with disabilities are totally dependent on any form of state assistance which may be available to them. Presently the law says that all permanently disabled persons over 18 years qualify for a disability grant provided that they also meet other regulations laid down by the Government. Some of these regulations are very strict and make it very hard for disabled people to receive a disability grant, e.g.

-　*the means test:* if a disabled person earns over an amount of approximately R4 000 per year (or R333 per month), or they have assets or other income from e.g. land ownership, profits from selling produce, money from a private pension fund, he/she is not entitled to a disability grant.

-　*application procedure:* a medical practitioner determines the type and severity of disability. Different doctors seem to make different decisions about whether a person is 'disabled enough' for a disability grant, seldom taking into account whether the disability is related to the employment situation.

-　*grants for disabled children:* only a fraction of children that qualify for special care grants receive them. This has been mainly due to procedural processes and apartheid policies in the past.

~　Workmen's Compensation

The Workmen's Compensation Fund compensates workers who are disabled through an accident which happens at work. A disabled person who is receiving Workmen's Compensa-

tion is very often disqualified from getting a disability grant because of the means test. So, even though there is some compensation for people who are disabled through accidents at work, the money which they receive is in most cases inadequate to meet their needs and does not compensate for the loss of their job or their poor job prospects for the future.

~   Motor vehicle accidents

The Multilateral Motor Accident Fund (MMF) provides for compensation to people who are disabled through car accidents. The law says that an injured person has to claim within three years. Yet many disabled persons spend longer than this in hospital. The long period of processing also often results in death or suffering whilst waiting for the finalisation of the claim. Persons in especially rural areas very seldom have access to legal assistance in processing claims.

3.4.2   *Other related issues*

Pension pay-out points are well-known for their inhumane conditions. The lack of shelter, inaccessible buildings, unsafe environments, long queues etc. has resulted in some instances in pensioners collapsing while waiting for their grants. The situation in rural areas and townships is particularly bad.

Recommendations:

The Department of Welfare and Population Development has established a Task Team that focuses on the different aspects of social security for
~   **inclusion in the White Paper on Social Welfare**
~   **amendments to existing legislation**

Stakeholders include
~   **Government: Welfare, Labour, Justice**
~   **NGOs and DPOs**
~   **Lawyers for Human Rights**

The RDP Disability Programme, in consultation with the Department of Welfare and Population Development and the NCCD, needs to develop a Business Plan to upgrade the pension pay-out system in consultation with
~   **provinces**
~   **other stakeholders (Lawyers for Human Rights and the Black Sash)**

3.5   Sport and recreation

Development of sport for persons with disabilities has not received any substantial support from the State in the past. There is a dire need for sport for disabled persons to be integrated into broader development programmes for sport.

NAPCOSA is the coordinating NGO body for sport for disabled persons.

Recommendations:

The Department of Sport and Recreation needs to develop national guidelines for
~   making existing state-owned sport and recreation facilities accessible
~   including sport for disabled persons in national sport development programmes
~   developing and supporting a specific development programme for sport for disabled persons, both within and out of schools
for inclusion in the White Paper on Sport Development.

Stakeholders include
~   NAPCOSA
~   DPOs
~   NOCSA

3.6   Housing

The White Paper on Housing recognises the need for 'State housing policies and subsidy programmes (to) reflect a constant awareness of and provision for the special needs of ... disabled people.... To this end, special attention will be paid to the possible modification of the subsidy programme to give effect to this approach.' (Par 4.5.4)

The majority of persons with disabilities survive on a disability grant, and have therefore very little hope of accessing independent housing. Inaccessible dwellings/housing and environments in the rural and peri-urban areas, and overcrowding in urban areas often lead to banishment to institutional care against the wishes of persons with disabilities.

Housing schemes very seldom make provision for physical access, and therefore excludes disabled persons from obtaining housing or visiting relatives and friends.

The responsibility for capital expenditure e.g. housing in institutions has in the past rested on the NGO sector.

Institutional housing

At present a number of disabled persons reside in institutions run by either subsidised welfare organisations or the State. While these places often provide homes and necessary care to people who otherwise would have struggled to have their needs met, there a number of important problems associated with them.

Conditions in these institutions range considerably and although all institutions are required to meet minimum standards, some institutions fall short of basic requirements and in fact violate basic human rights principles. This situation has been allowed to continue for the following reasons:

~   lack of affordable accommodation
~   rejection by family members
~   inadequate and ineffective subsidisation and regulatory systems
~   institutionalisation tends to reinforce the 'welfare model' of disability rather than a social

and development model. While the welfare model defined the nature of services for disabled people, institutions, irrespective of conditions, continue to enjoy state support, with no definite move towards integration, e.g. through independent living subsidies and home-based attendant care.

The above has placed persons with disabilities in an extremely weak and vulnerable position with little recourse to bringing about the necessary changes. Disabled occupants are often allowed little independence or participation in management in these institutions and are often subject to arbitrary and punitive measures.

Recommendations:

The Department of Housing, in consultation with the NCCD, needs to develop a national strategy for a phased programme of re-integrating persons with disabilities into society through
~   appropriate modifications to the Housing Subsidy Scheme
~   a comprehensive strategy for housing provision for persons with disabilities
~   a programme of action towards limiting institutional care as a means of accommodating and caring for persons with disabilities. This would include
    -     establishing an infrastructure which supports the independent living of disabled people in their communities by providing the necessary support
    -     transformation within existing institutions, e.g.
    *   legislation and regulations to govern subsidisation, monitoring and control of institutions, particularly in the field of mental health
    *   setting up accountable, democratic management structures
    *   public accountability and transparency
    *   removal of all measures which limit free movement and independence
    *   delivery of services within the institutions which are designed to facilitate development of independence

Other stakeholders include
~   Department of Welfare and Population Development
~   NGOs and DPOs
~   Lawyers for Human Rights (Disability Unit)

3.7   Sensitive groups

3.7.1   *Women with disabilities*
Women with disabilities have been doubly discriminated against - both on the basis of gender and disability. Some of the key areas of concern to disabled women include:

Education: disabled girls are less likely to attend school than disabled boys
Employment: disabled women are less likely to be granted loan facilities, be employed or gain access into training programmes
Violence: women and girls with disabilities are particularly vulnerable to violence, especially within the home situation. Sexual abuse is quite common, especially among women with mental and/or hearing disabilities. Abuse by physicians and caregivers, e.g. forced sterilisation, is common
Health services: refusal of health workers to advise disabled women and girls on appropriate family planning services and methods.

Disabled women called for the following in the SA Disability Rights Charter:
~   public education and awareness programmes to promote positive perceptions on the potential of disabled women in society
~   career-oriented education for disabled women
~   the right to control their own fertility
~   legislative provisions to promote and protect the human rights of disabled women
~   accessible, well-equipped resource centres and clinics that will provide information on issues affecting disabled women
~   provisions in the social security system that will deal specifically with the needs of disabled women, especially young disabled mothers
~   the development of specific measures to redress the social and economic exploitation of disabled women in rural areas and informal settlements.

4.3.7.2   *Children with disabilities*

The GNU has signed the Convention on the Rights of the Child, and is in the process of developing a National Plan of Action, which will be followed by the ratification of the Convention. Article 23 commits Government

> '1.   *to recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.*
>
> 2.   *to recognise the right of the disabled child to special care and encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.*
>
> 3.   *recognising the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.*
>
> 4.   *to promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventative health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling state parties to improve their capabilities and skills and to widen their experience in these areas.'*

4.3.7.3   *Elderly people with disabilities*

Disability has a very high incidence amongst the elderly. The UNDP estimates that the incidence of disability increases by as much as 200 per cent in the age group over 65. Yet very few services are rendered to elderly disabled people. Elderly people living in rural areas are particularly affected.

4.3.7.4   *Disabled people living in rural areas*

Disabled persons living in rural areas have been particularly affected by past apartheid policies:

~   very few services e.g. rehabilitation, vocational training, education
~   very few accessible health, education, training and welfare services
~   lack of access to information due to poor communication infrastructure
~   lack of access to employment opportunities due to high unemployment incidence in rural areas, and the inaccessible public transport system which severely restricts small enterprises
~   traditional beliefs and attitudes.

Organisations for disabled people have played a particularly important role in raising awareness and initiating basic services, mostly without any support from Government.

Specific measures are therefore necessary as part of affirmative action to redress the situation and to create an environment conducive to equal opportunities.

Recommendations:

Women with disabilities:

~ The Gender Empowerment Programme within the Office of the Minister without Portfolio needs to develop national strategies to ensure that issues affecting disabled women are effectively addressed.

~ The Department of Health needs to appoint a Task Team to investigate the discrimination disabled women experience within the health sector.

~ The Gender Commission needs to develop, in consultation with disabled women organisations, a monitoring mechanism to measure discrimination women with disabilities experience.

Children with disabilities:

~ The Children's Programme within the Office of the Minister without Portfolio needs to develop national guidelines and goals for the implementation of the Convention on the Rights of the Child in consultation with the NCCD.

~ Specific disability-related indicators need to be developed to monitor the implementation of a National Plan of Action for Children.

~ The NCCD needs to establish a Children's Commission to bring together issues affecting children in general and issues specifically affecting disabled children.

Elderly people with disabilities:

The Department of Welfare and Population Development, in consultation with the NCCD, needs to develop a national strategy for home-based care of elderly persons with disabilities, giving particular attention to the elderly in rural areas. Stakeholders include the

~ Department of Welfare and Population Development

~ Department of Health

~ NGO Sector (SA Council for the Aged, SANCO, Rural Women's Movement)

Disabled People living in rural areas:

Specific attention needs to be given to affirmative action for persons living in rural areas when developing sectoral policies and programmes. The RDP Disability Programme needs to develop a check-list to monitor access to services and equal opportunities for persons with disabilities.

4　　　　IMPLEMENTATION MEASURES

4.1　　　Information and research

The ultimate responsibility for the collection and dissemination of information on the living conditions of persons with disabilities and the promotion of comprehensive research on all aspects, including obstacles that affect the lives of persons with disabilities, lies with Government.

Regular, appropriate data collection therefore needs to take place on the living conditions of persons with disabilities. Data collection could be conducted in conjunction with national censuses and household surveys and could be undertaken in close collaboration, *inter alia*, with universities, research institutes and DPOs.

The GNU therefore needs to establish a data bank on disability, which would include statistics on available services and programmes as well as on the different groups of persons with disabilities.

The GNU also needs to initiate and support programmes of research on social, economic and participation issues that affect the lives of persons with disabilities and their families. Such research should include studies on the causes, types and frequencies of disabilities, the availability and efficacy of existing programmes and the need for development and evaluation of services and support measures.

The GNU also needs to develop and adopt terminology and criteria for the conduct of national surveys, and should facilitate the participation of persons with disabilities in data collection and research.

The GNU has a responsibility to disseminate information and knowledge on disability to all political and administration levels within the national, provincial and local spheres.

The UN have undertaken various research studies regarding appropriate data collection on disability.

Existing data bases include:
~　　Genetic services
- 　　　　Individuals/families
- 　　　　Cytogenetic diagnostics
- 　　　　Congenital disorders
- 　　　　Syndrome identification
~　　Specialised schools and institutions
~　　Information systems for health and welfare facilities and services
- 　　　　Child reference and information centres (Pretoria, Cape Town, Johannesburg, Bloemfontein, Durban, Pietermaritzburg)
~　　Bureau for Prevention of Blindness

Recommendations:

The RDP Disability Programme, in consultation with the CSS and the NCCD, needs to develop a national strategy and programme of action regarding data collection, research and dissemination of information on services.

Stake-holders include
~   Statistics: CSS, DBSA, October Household Survey, UN
~   Research: HSRC, NIEP, CEAS
~   NGOs (SAFCD)
~   DPOs (DPSA, DiCAG)
~   Departments of Health, Education, Labour, Welfare
~   Genetic services

The Office of the President needs to establish a National Information Ser-vice on Services, Programmes and Paralegal Assistance within the NCCD Secretariat.

Provincial information services also need to be developed within Equal Opportunities Centres within the Offices of the Premiers.

4.2   Policy-making and planning

It is the responsibility of the GNU to initiate and plan adequate policies for persons with disabilities at national level, and to facilitate and support action at provincial and local level.

The specific needs of persons with disabilities should be incorporated into general development plans. A process has been initiated to remove barriers and to include enabling mechanisms in the RDP Planning System:

~   RDP Business Plan Criteria and Key Performance Indicators
~   Human Resource Development and Capacity-Building Strategy
~   Rural Development Strategy
~   Urban Development Strategy
~   National Plan of Action for Children
~   Gender Empowerment Strategy
~   Small and Medium Enterprise Strategy

It is the responsibility of the GNU to facilitate the development of national policy guidelines.

It is acknowledged that disability policy formulation is a long-term continuous process. At the same time persons with disabilities are facing enormous difficulties due to lack of educational opportunities, architectural barriers and harmful attitudes that result in lack of employment opportunities and exclusion from the majority of present PLPs. Implementation of disability-related policies and programmes will also be delayed by the lack of accessible infrastructure.

Disability-related PLPs:
The focus of disability-related PLPs will be on the equalisation of opportunities for persons with disabilities and will target the following particularly:

~ persons with disabilities excluded from previous disability-related programmes and there-
fore in particularly difficult circumstances, e.g. disabled people living in the rural areas
~ providing infrastructure and enabling mechanisms for future implementation of policies
and programmes, both in the disability and broader development field; this will include
enriching existing PLPs to include enabling mechanisms that will facilitate inclusion of per-
sons with disabilities
~ providing an opportunity to explore the relationship between the state, NGO/CBOs and
Disabled People Organisations (DPOs) in the delivery process.

All national policy guideline proposals should be tabled to the NCCD before adoption and imple-
mentation to ensure that it is comprehensive and integrated into broader disability objectives.

To ensure that disability is included in the national policy, analysis and planning system, as well as
in information management systems, there is a need to establish a close link between these
institution(s) and the NCCD.

Recommendations:

Statutory recognition and strengthening of the NCCD

Development and implementation of disability-related PLPs, e.g.
~ **access in public buildings at all tiers of Government (Public Works Pro-
gramme)**
~ **upgrading and improvement of pension pay-out system (Public Works Pro-
gramme)**
~ **infrastructure for Braille services at provincial level**
~ **Adult Basic Education and Training (ABET) programmes for adults with
visual and hearing disabilities (National Literacy Campaign)**
~ **capacity building within DPOs to enhance their role in planning, decision-
making and monitoring of the reconstruction and development process at
local level**

**The RDP Disability Programme needs to participate in the change management
strategy to establish a national policy, analysis, planning and information manage-
ment system to ensure that the NCCD is linked up with the process.**

4.3 Legislation

In South Africa a process of change is under way to remove some legislation and to introduce
changes which bring the law of the country in line with the democratic principles expressed in the
Constitution. It is imperative therefore that if disabled people are to enjoy all their rights and to
be protected from exploitation that the law of the land reflects this commitment. While the law is
obviously not the only factor in society which must be changed in order for disabled people to
enjoy their rights, it forms the fundamental framework from which mechanisms for equality of
opportunity can be established.

4.3.1 Existing Legislation
An over-all assessment is needed of
~ existing legislation that discriminates against persons with disabilities
~ legislation that are silent on disability

~   specific disability related legislation
~   the application of laws and associated regulations.

Ongoing development of legislation, as well as ongoing monitoring of new legislation needs to take place under the auspices of the NCCD. Some countries have preferred to include disability legislation in sectoral legislation only, whilst others have developed Disability Acts under Anti-Discriminatory Legislation.

Recommendations:

The Office of the President needs to establish a task force to develop a national strategy for the on-going development, assessment and monitoring of legislation in consultation with the NCCD.

Stakeholders include
~   **Office of the Minister without Portfolio (RDP)**
~   **DPOs**
~   **NGOs**
~   **LHR**
~   **Department of Justice**
~   **International agencies**
~   **Relevant line functions**

4.4   Economic policies

Disability issues need to be included in the regular budgets of all national, provincial and local government bodies.

Further discussion is needed around the most effective ways of government support measures for projects and programmes relevant to persons with disabilities, e.g.

~   subsidisation
~   contracting
~   partnerships
~   national vs provincial subsidisation of NGO sector.

Note has to be taken that persons with disabilities, due to their present dependence on the social welfare system, are often particularly vulnerable with the introduction of World Bank Structural Adjustment Programmes.

Recommendations:

A study coordinated by the RDP Office on the use of economic measures to stimulate and support equal participation by persons with disabilities in society is needed, e.g. the advantages and disadvantages of loans, tax exemptions, earmarked grants, special funds, e.g. Disability Development Fund under the NCCD

Stakeholders include
* RDP Office; Departments of Finance and State Expenditure
* SAFCD
* ILO
* NIEP
* DBSA
* CEAS

4.5   Coordinating structures

4.5.1 The establishment of a national coordinating committee, to serve as a national focal point on disability matters, is the mechanism identified by the Standard Rules as the most viable.

~ It should be a permanent, autonomous body based on legal as well as appropriate administrative regulation, with the aim to review, coordinate and advise on activities of all agencies and NGOs working in the disability field.
~ It acts in a professional capacity in relation to Government and policy-makers on all issues affecting the well-being of disabled people; and serves as a national focal point on disability matters in order to facilitate the ongoing development of a national approach to disability management.

4.5.2 *The National Coordinating Committee on Disability*
The NCCD was established according to these recommendations in 1993. Presently it comprises

~ **government departments:**
   - Department of Health
   - Department of Welfare and Population Development
   - Department of Education and Training
   - Department of Transport
   - Department of Labour
   - Office of the Minister without Portfolio (RDP)
~ **service-providing organisations**
   - SANCB (blind)
   - SANCD (deaf)
   - APD (physically disabled)
   - SANEL (epilepsy)
   - SAFMH (mental health)
   - SA Cheshire Homes (non-voting)
~ **organisations of disabled people**
   - DPSA
   - DiCAG (non-voting)
   - QUASA (non-voting)
   - SA Downs Syndrome Forum (non-voting)

The National Coordinating Committee on Disability (NCCD)

KEY LINE FUNCTIONS
* Office of the Minister without Portfolio
* Department of Labour
* Department of Health
* Department of Education and Training
* Department of Welfare and Population Development
* Department of Transport

DISABILITY OFFICE
Secretariate
Technical support

NGO SERVICE PROVIDING WELFARE COUNCILS

* SANCB
* SANCD
* SAFMH
* APD
* SANEL
* CANSA
* SACA
* Cheshire Homes

NATIONAL COORDINATING COMMITTEE ON DISABILITY (NCCD)

DISABLED PEOPLE'S ORGANISATIONS (DPOs)

* DPSA
* DiCAG
* QUASA
* SA Down Syndrome Forum

MANAGEMENT COMMITTEE

PERMANENT WORKING COMMISSIONS

1) Rehabilitation
2) Prevention
3) Equal opportunities
4) Awareness

SA DISABILITY INSTITUTE (SADI)

UN AGENCIES

(Advisory capacity)

Additional representation by other key departments, provincial representation and the presence of UN organs is in the pipe-line.

The NCCD has appointed four permanent commissions:

~ Prevention
~ Rehabilitation
~ Equal Opportunities
~ Awareness.

Each has been assigned the responsibility of developing proposals around key issues raised in the Standard Rules as it pertains to national priorities.

A policy research institute, the SA Disability Institute (SADI), has been formed to provide support to NCCD affiliates in coordinating policy research needs. Three main factors presently restrict its activities:

~ lack of statutory recognition as the national consultative forum on disability in South Africa
~ lack of support, especially in terms of human resources
~ The secretariat is presently placed in the Subdirectorate: Care of the Disabled, within the Department of Welfare and Population Development. This severely restricts central coordination of disability issues.

4.4.5.3 The RDP Disability Programme

The Office of the Minister without Portfolio established a Disability Programme in consultation with the NCCD. The main aim was to develop a broad framework for an integrated national disability strategy.

4.4.5.4 The National 'Disability Office'

A permanent 'Disability Office' will be established within the Office of the President. Its main functions will include

~ to provide administrative and technical support for the NCCD
  - a permanent Secretariat
  - coordinator of NCCD functions and integration of disability into the broader development process (at director level within the Chief Directorate: Change Management and Monitoring)
  - information service coordinator
  - coordinators for the four NCCD Working Commissions (Prevention, Rehabilitation, Equal Opportunities, Awareness)
~ to make RDP principles a way of life for all, including persons with disabilities by facilitating, enabling, influencing, directing, coordinating and monitoring the RDP Development Planning System through the removal of barriers and inclusion of enabling mechanisms
~ to transform the way Government delivers services to persons with disabilities at all levels of Government by providing a policy framework, systems and networking functions
~ to develop disability-related PLPs. This involves the enrichment of existing PLPs to make them all-inclusive and the development of PLPs to address past imbalances affecting disabled people
~ to develop and monitor a national data and information management coordinating system that includes appropriate information on disability
~ to review existing policies and programmes as the basis for determining priority needs and resources. Needs and resources must be matched and translated into operational terms in a

set of medium-term targets.
~   to formulate or update a long-term policy statement. The policy statement would form the
     conceptual framework of the long-term strategy, stating overall objectives and essential prin-
     ciples
~   to facilitate and coordinate the development of policy guidelines for different sectors such
     as employment, education, etc.

4.4.5.5   *Provincial and district coordinating committees*

It is essential that coordinating structures are established at provincial and district level to ensure
integration at implementation and monitoring phases. NGOs have already started the process in
an number of provinces, and it is essential that provincial governments take the responsibility to
facilitate and coordinate the PCCDs from a central level as soon as provincial line function depart-
ments have been established.

4.4.5.6   *Provincial Equal Opportunity Centres for persons with disabilities*

The main functions of these centres, to be situated within the Offices of the Premiers, include
~   administrative and technical support to the PCCD and DCCDs
     -    permanent secretariat for PCCD and DCCDs
     -    information and policy advice service coordinator
     -    HRD coordinator
     -    coordinator of PCCD and DCCD functions and integration of disability into the broader
          development process (at director level)
~   to make RDP principles a way of life for all, including persons with disabilities by facilitating,
     enabling, influencing, directing, coordinating and monitoring the implementation of the
     RDP at provincial and district level
~   to facilitate capacity building of DPOs at provincial and local level that will enable them to
     participate more effectively in monitoring and decision-making
~   to facilitate capacity building within the public sector at especially local and district level to
     enable the Government at all tiers to deliver services in an inclusive and enabling manner.

Recommendations:

Statutory recognition of the NCCD with the necessary legislation

Strengthening of the NCCD by
~   **establishing a permanent Secretariat in the Office of the President**
~   **establishing a national change management and monitoring mechanism
     within the Office of the President**
~   **providing the necessary professional support from the Office of the Presi-
     dent**
~   **establishing a national legislative mechanism**

**Establishing provincial and district coordinating committees with the necessary
statutory recognition and support**

4.4.6 Disabled People's Organisations (DPOs)

~   DPOs has received no government support in the past.
~   The GNU recognises the right of DPOs to represent persons with disabilities at national,
     provincial and local levels.

~ On-going communication between Government at all tiers and DPOs needs to be formalised to ensure the participation of DPOs in policy development.

~ The role of DPOs can be described as follows:
- identification of needs and priorities
- participation in planning, implementation and evaluation of services and measures concerning the lives of persons with disabilities
- contributing to public awareness and advocating for change
- provision and promotion of the development of skills in various fields, mutual support and information sharing
- advising Government and civil society in order to deepen and develop the exchange of views and information on disability matters.

~ Self-representation could take place through
- permanent representation on boards of government-funded agencies
- serving on public commissions
- providing expert knowledge on different projects.

~ In order to develop and strengthen DPOs it is imperative that the Government provide financial support to them. It is only through a commitment to economic and other support that disabled people can participate effectively in an advisory and consultative capacity. Other NGOs providing advocacy support and services to disabled people should also enjoy recognition and support from the Government.

~ The nature and extent of the support provided by Government will need to be negotiated with the relevant organisations in the NGO sector consisting of both DPO and service providers to determine a sustainable and realisable plan of action. Possible models to be looked at include the State as the implementing agency and/or NGOs being contracted and/or subsidised by the State.

~ Key factors that will determine service-delivery models include among other things the capacity of the public sector and/or the NGO sector.

Recommendations:

Human Resource Development and Capacity Building:
~ to fulfil their roles effectively, DPOs need concrete support from Government in terms of
- access to ABET for local DPOs need to become a central part of the National Literacy Campaign
- subsidisation of disabled development workers that will be responsible for facilitating the development and strengthening of DPOs
~ HRD Strategy to develop disabled specialists in key sectors through provision of
- bursaries
- international exchange programme
- affirmative action employment

Recognition of the right to self-representation:
~ development of a policy with the necessary legislative and regulatory back-up that will ensure that consultative structures (e.g. sectoral forums, local development committees, etc) will not receive state recognition without self-representation by DPOs
~ financial support to assist DPOs to commission research on local and national issues

~ Inclusion in the final Constitution, including instruments e.g. Human Rights
   Commission

Financial support for services rendered by DPOs, e.g.
~ day care
~ counselling
~ assistive device maintenance
~ business training
~ education and training (e.g. sign language, training service-providers)
~ awareness programmes in schools, etc.

It is therefore recommended that the Disability Programme in the Office of the
President develop a comprehensive and integrated strategy re government support
for DPOs.

Stakeholders include
~ RDP Office
~ DPOs
~ Department of Finance

4.7 Personnel training

Different levels of training is necessary at different levels and for different functions. The Public
Service Training Institute and Public Service Newsletters play an important role in achieving the
following key target areas -

~ sensitisation and changing of attitudes of all public servants to the development needs of
   persons with disabilities, as it is acknowledged that harmful attitudes, be it due to ignorance
   or paternalism, leads to unintentional discrimination

~ capacity building to ensure that public servants at all levels, in all functions and in all sectors
   act in the interest of persons with disabilities:
   local authorities
   - developing services for persons with disabilities
   - developing services for the community that will include persons with disabilities
      through the necessary enabling mechanisms
   provincial governments
   - developing provincial disability-related strategies, policies and programmes
   - developing coordinating and monitoring mechanisms
   national government
   - developing national coordinating, monitoring and research capacity
   legislation development level
   - legislation often discriminate against or exclude persons with disabilities due to
      lack of understanding and awareess
   policy making level
   - specific training programmes is needed to ensure inclusive policies at all levels
      for all citizens
   delivery level
   - inclusion in existing Institute programmes
   - further education programme for service-providers working specifically with

persons with disabilities. eg teachers in all schools, social workers, trainers at training institutions, development workers, health and paramedical personnel

administrative level

- administrators need an understanding of the needs of persons with disabilities to ensure approval and release of funds, eg hospital administrators and head office personnel.

Recommendations:

The Disability Programme, in consultation with the Public Service Institute, and the NCCD, needs to develop a national programme of action to
- **evaluate existing training programmes**
- **develop and implement new sensitising and capacity building training programmes**
- **ensure inclusion of disability issues in Public Service Newsletters**
- **develop an international exchange programme**

Stakeholders include
- **Public Service Training Institute**
- **RDP Office**
- **Key line functions (HRD directorates)**
- **DPOs**
- **NGOs**

4.8   Monitoring and evaluation

An effective monitoring mechanism includes the identification of obstacles and suggests suitable measures for progress. It also includes regular interaction with international organisations, particularly those providing technical assistance as well as the sharing of experiences and information with other countries.

Disability-related Key Performance Indicators (KPIs) need to be developed and included within the RDP Planning and Monitoring System. This includes:

- *community-driven*: inclusive representative and accountable management structures are essential for democratic decision-making and ownership. This implies that structures need to have representation from DPOs
- *labour-intensive methods*: people with especially mental and hearing disabilities can benefit from labour-intensive methods
- *job creation*: reports need to include not only the number of disabled people employed on a project, but also the type of disability
- *training*: reports need to include how many persons with disabilities received training, and what type of training. Business plans need to indicate whether interpreters or specialised trainers, for example persons with visual disabilities, will be used
- *focus on the most needy*: Persons with disabilities need to be included with gender, race and single-parent families
- *employment of small and medium enterprises*: Capacity and skills building within self-help organisations of disabled persons will enable them to participate effectively in the implementation of the PLPs.

Monitoring is a continuous process, and should start at local, provincial and national level with close collaboration between Government, DPOs and NGOs. An annual report on progress with the equalisation of opportunities for persons with disabilities needs to be prepared by the NCCD, and presented to the President for adoption by Cabinet and Parliament. This report should form the basis of the Government's annual report on progress with the implementation of the Standard Rules to the UN Special Rapporteur.

Recommendations:

Disability related Key Performance and Poverty Indicators (KPIs) needs to be developed and included within the RDP Planning and Monitoring System. Business Plans should only be approved if they indicate clearly how persons with disabilities are to be included in projects, as well as clear KPIs as to their participation.

4.9   International co-operation

~ *Technical co-operation*

Technical co-operation includes, among other things
- disability-related legislation
- appropriate technology
- disability-related sectoral policies and programmes
- data management

Various United Nations agencies and other international organisations and governments have developed expertise in specific fields, e.g.

- ILO   employment strategies
- WHO   community-based rehabilitation
- UNESCO   community-integrated education; teacher training
- Danida   Early Assessment (EARS Programme)
- Equileg   Legislation
- UNDP   community-based rehabilitation
- UN   Data Management

It is advisable that these agencies be co-opted onto the National Coordinating Committee on Disability (NCCD) to ensure that assistance rendered is appropriate for local conditions.

~ *Financial co-operation*

Apart from expertise, the majority of these agencies also provide financial assistance for the integration of disability into broader development strategies.

~ *Monitoring*

The UN has appointed a Special Rapporteur that will be responsible for monitoring implementation of the Standard Rules and to report to the UN Secretariat.

A Panel of Experts from international NGO's have been established to advise the Special Rapporteur. They are in the process of developing measurable goals, as well as an index to measure the level of implementation in six key areas:
- legislation
- coordination of work

- organisations of disabled persons
- accessibility
- education
- employment.

The Special Rapporteur will distribute questionnaires dealing with progress on these six key areas on an annual basis to governments.

It is envisaged that the ILO and UNESCO will be directly involved in monitoring implementation in employment and education.

The Internet information system has been targeted for the distribution and exchange of information concerning the Standard Rules.

Recommendations:

~ **Relevant UN agencies should be invited to act in an advisory capacity to the NCCD**

~ **Key areas of assistance need to be identified**

~ **The NCCD should be tasked with drafting an annual report to the Special Rapporteur on implementation in the key areas identified.**

Part Five

ALLOCATING BUDGET FUNDS FOR DISABILITY PROGRAMMES

1   Very few line functions allocated budgets to disability-related programmes in the past. Yet persons with disabilities very seldom benefited from broader sectoral programmes due to the barriers and constraints discussed in Part One.

2   Line functions that presently make provision for specific disability-related programmes include

Department of Health	-	Subdirectorate: Rehabilitation
	-	Prevention, Rehabilitation, Assistive Devices
Department of Welfare and	-	Grants (disability, special care)
Population Development	-	Social care (institutional subsidisation)
	-	Programmes (subsidisation of councils)
	-	Subdirectorate: Care of disabled
Department of Education and	-	Subdirectorate: Specialised education
Training	-	Special schools
	-	Remedial services
Department of Labour	-	Subdirectorate: Disabled
	-	Wage subsidy scheme
	-	Placement services
	-	Bursary scheme
	-	Sheltered factories
	-	Awareness (Newsletter)
Department of Environment Affairs and Tourism	-	SATOUR
Department of Public Works	-	Access in public buildings

3   Persons with disabilities constitute between 5 per cent and 12 per cent of the population. It is therefore only reasonable to expect that they should benefit from at least 5 -12 per cent of the budgetary allocations to departments. This would include both disability-related programmes and broader programmes with specific mechanisms that will ensure inclusion of persons with disabilities, e.g.

The Department of Education and Training allocates funds specifically for specialised education. Existing funding of teacher-training programmes, however, does not reflect the urgent need for training of specialised teachers that will facilitate effective mainstreaming.

4   Disability cuts across line functions, and this needs to be reflected in budgetary spending to transform the present situation whereby a few departments carry the responsibility of other line functions. This will have an impact on the

~   Department of Arts, Culture, Science and Technology (Braille sign language development)
~   Department of Housing (additional subsidies, accessibility)
~   Department of Sport and Recreation (sport development programmes)
~   Department of Justice (interpreter services in courts)
~   Department of Public Service and Administration
~   Department of Posts, Telecommunications and Broadcasting (TTY System, Appropriate Technology)

~   Department of Trade and Industry
~   SACS

5   Additional funds will also be needed for the coordination of planning and monitoring. It is envisaged that the Ministry in the Office of the President will be responsible for, among other things

~   NCCD, as well as the provincial counterparts, operational budgets
~   disability-related PLPs
~   monitoring.

6   RDP Fund

The RDP Fund should not be viewed as a separate fund. It is a mechanism to act as leverage to bring about a change in government spending patterns. Past neglect in disability-related spending needs to be corrected within the line functions, with assistance from the RDP Fund.

7   National Lottery

The Wiehahn Commission proposes that lottery profits be allocated as follows:
50 per cent to the RDP
20 per cent to welfare and development
20 per cent to sport development
5 per cent to arts and culture
5 per cent to natural disasters

The Disability Sector presently benefits considerably through the lotteries of Viva Trust and Ithuba Trust. The establishment of a national lottery could therefore severely impact on disability NGO sector income, and therefore on service provision to disabled people.

Recommendations:

Line functions and other public bodies need to keep record of information regarding the spending on disability-related programmes

National lottery

People with disabilities, being a particularly marginalised and sensitive group, should benefit significantly under all these categories, but especially with regard to the 20 per cent that would be earmarked for welfare and development

A representative board should be responsible for allocation of the National Lottery funds. DPOs should be represented by themselves along with other sectoral interests in the welfare and social development field.

Part Six

PROGRAMME OF ACTION

1 STRATEGIC MEASURES

1.1 Step-by-step approach

Since not all the necessary changes can be implemented immediately or simultaneously a step-by-step approach is proposed, guided by the long-term vision of a society for all.

1.2 Core element

The core element of the long-term strategy is a series of national sectoral plans supported by local, district, and provincial activities.

1.3 Short, medium and long-term

After an initial lead-in period, 1995-96, a medium-term national plan is proposed for 1997-2002, coinciding with the next international review of the World Programme of Action concerning Dis abled Persons. A long term plan for the years 2002-2007 will follow.

2 SHORT TERM (1995/96)

Short term activities for the financial year 95/96 will concentrate on -

Objective	Mechanism/Task	Output	Time-frame	Responsibility
1. Developing and launching na- tional disability strategy	Inclusion of framework in RDP White Paper II	Government policy	December 1995	RDP Office
	Consultation to finalise National Disability Strategy	National Disability Strategy Docu- ment	May 1996	RDP Office
2. Setting in place the necessary structures for the implementation of the disability strategy at na- tional and provincial level	Statutory recogni- tion of the NCCD as the national consultative forum on disability	Legislation	July 1996	RDP Office
	Strengthening of NCCD - 1. disability office in Office of President 2. budgetary allocation	Functional disability consultative struc- ture	October 1996	RDP Office

Objective	Mechanism/Task	Output	Time-frame	Responsibility
	Establishing provincial disability coordinating structures - 1. inclusive forums 2. equal opportunities centres for persons with disabilities within the Offices of the Premiers	Legitimate inclusive and supported consultative structures	October 1996	RDP Office
3. Developing national sectoral policies, guidelines and minimum standards in key areas	Awareness/ information/ communication Strategy	National Disability Newsletter National Disability Awareness Campaign National and Provincial Disability Information Service	August 1996	NCCD (SADI)
	Legislation Review	Review document on existing legislation Programme of Action for drafting and continuous review of legislation affecting disabled people	August 1996	RDP Office
	National Support Services Policy and Guidelines	Policy and Funding Strategy for - * Assistive Devices * Interpreter Services * Personal Assistance * Appropriate Technology Development	August 1996	NCCD (SADI)
	Accessibility Strategy and Plan of Action	* Legislation * National Standards and Guidelines * PLP (NPWP)	August 1996	NCCD (NEAP)
	National Employment Strategy and Policy	National Plan of Action, including enabling mechanisms in SMME programmes	August 1996	Department of Labour Department of Trade and Industry

Objective	Mechanism/Task	Output	Time-frame	Responsibility
	National Policy for Sport	* Minimum Standards and Guidelines * Development Programme for inclusion in White Paper	August 1996	Department of Sport
	Access to affordable housing	Additional housing subsidies for pensioners	August 1996	Department of Housing
	National Equal Opportunities Economic Policy	Policy and national guidelines	August 1996	RDP Office (NIEP)
	National Social Security Policy	Inclusion in Welfare White Paper	February 1996	Department of Welfare
	Education Policy for Students with Special Needs - National Commission	National Policy Guidelines and Minimum Standards	March 1996	Department of Education and Training
	National Disability Data Management Policy	Integration of disability into data systems	March 1996	CSS
	Strengthening of DPOs	National Guidelines	July 1996	SAFCD
4. Integration of disability into RDP Planning System	Removal of barriers and inclusion of enabling mechanisms into - * Rural development strategy * Urban Development Strategy * HRD Strategy * Poverty Indicators * Gender Programme * National Plan of Action for Children * Key Performance Indicators	Guidelines for the inclusion of disabled persons in broad development programmes. Disability related PLPs - * Business Plan for Improvement of Pension System * Business Plan for ABET for deaf and blind adults * Business Plan: HRD programme for disabled adults in rural areas * Accessible building plans for clinics and schools and/or classrooms	May 1996	RDP Office

Objective	Mechanism/Task	Output	Time-frame	Responsibility
5. Capacity building within Public Service at all levels to implement National Disability Strategy	Development of Training and Orientation strategies	Orientation and Training Programme for Management, Service-providers and Administrators	May 1996	Public Service Training Institute
6. Securing the necessary funds to implement the medium-term objectives and programme of action	Budget unpacking within line functions RDP Fund	0 to 5 year budget for implementation of disability strategy	August 1996	RDP Office

6.3   MEDIUM TERM (1996 - 2002)

Medium-term activities will focus on

Objective	Mechanism/Task	Output	Time-frame	Responsibility
1. Strengthening coordinating structures at provincial and district level	* Establishing district coordinating committees * Institutional capacity-building programmes	Legitimate disability consultative forums at district level Policy development units at provincial level Information centres at provincial and district level	March 1997	Disability Office
2. Developing appropriate and enabling legislation	Legislation Task Force	? Anti-Discriminatory Disability Act ? Inclusion of disability into key sectoral legislation	March 2000	Disability Office
3. Implementation of key programmes at national, provincial and local level	Capacity-building programmes at especially local authority level	Equal opportunities and affirmative action programmes in the fields of * employment * education (HRD) * access at local level	1996 - 2002	National and Provincial Disability Offices

Objective	Mechanism/Task	Output	Time-frame	Responsibility
4. Implementation of capacity-building programme within the Public Sector at especially local and district level to plan and implement services to disabled people	Long-distance training Orientation courses Workshops Formal courses	Inclusion of disabled people in broader development programmes	1996 - 1997	Public Service Training Institute
		Development and implementation of specific disability-related programmes	On-going	
5. Monitoring and evaluation of implementation of RDP	Monitoring Strategy and Programme of Action	Disability Index with Point Scale (in accordance to international index)	June 1996 On-going	Disability Office

4   LONG TERM (2002 - 2007)

Long-term activities will concentrate on
~   evaluation of the effects of the implementation of key strategies and programmes on the standard of living of persons with disabilities
~   identification of key areas that need further intervention.

CONCLUSION

Historically services for persons with disabilities were planned in an uncoordinated and exclusive manner. Disability was therefore never integrated into broader development planning. This resulted in under-funding, marginalisation and in some cases, extreme abuse of the human rights of persons with disabilities.

April 27, 1994, has brought a new perspective on development to South Africa. The Reconstruction and Development Programme (RDP) embodies this perspective, whereby development planning is a people-driven, inclusive process aimed at creating an enabling environment for all South African citizens, and not just the privileged few.

It is a golden opportunity for persons with disabilities to redress past neglect and marginalisation by becoming part of the reconstruction and development process. This discussion document is but one step in the process.

The past four months have clearly shown that substantial further research and investigation is needed to ensure that the vision of a Society for All becomes a reality.

It has also become very clear that although the political will to redress the situation of persons with disabilities, exists, the GNU presently has limited capacity to implement a national disability strategy at all tiers of government.

We firmly believe that an integrated National Disability Strategy which includes capacity building and human resource development aspects, will inevitably lead to a better life for all, including persons with disabilities.

PLEASE SEND YOUR COMMENTS BEFORE 31 MAY 1996 TO

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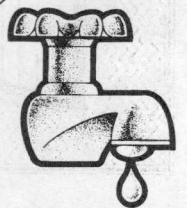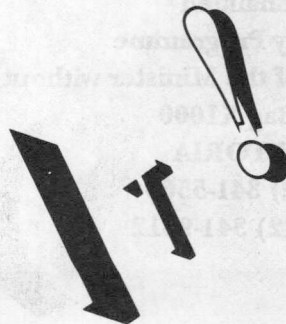
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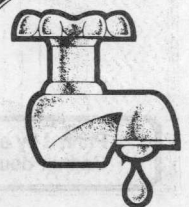SPAARSAAM

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