The White Paper on the Rights of Persons with Disabilities

…This WPRPD:

• Updates South Africa's 1997 White Paper on an Integrated National Disability Strategy…

• Integrates obligations of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and in the Continental Plan of Action for the African Decade of Persons with Disabilities (both of which South Africa has signed), with South Africa's legislation, policy frameworks and the National Development Plan 2030,

• Endorses a mainstreaming trajectory for realising the rights of persons with disabilities,

• Provides clarity on and guides the development of standard operating procedures for mainstreaming disability,

• Guides the review of all existing, and the development of new, sectoral policies, programmes, budgets and reporting systems…

• Stipulates norms and standards for the removal of discriminatory barriers…

• Broadly outlines the responsibilities and accountabilities of the various stakeholders involved in providing barrier-free, appropriate, effective, efficient and coordinated service delivery to persons with disabilities…

• Guides self-representation of persons with disabilities.

…the WPRPD does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government; and other sectors of society but also allocates responsibilities to persons with disabilities and their families.

The vision of the WPRPD is the creation of *free and just society inclusive of all persons with disabilities as equal citizens".* It commits duty bearers to realising the rights of persons with disabilities…

…It is envisaged that the WPRPD will be escalated into legislation to complete the domestication of the UNCRPD.

GLOSSARY OF TERMS

Augmentative and alternative communication is an umbrella term that encompasses the communication methods, aside from traditional speech, used to supplement or replace speech or writing for those with difficulties in the production or comprehension of spoken or written language. This can include using pictures, gestures, sign language (SASL), visual aids, or speech-output devices like computers.

Assistive devices: Any device, product, equipment or tool that is designed or adapted to enable persons with disabilities to participate in activities, tasks or actions. They may include: (i) mobility aids such as wheelchairs, prostheses and crutches; (ii) Communication aids such as hearing aids, FM systems; (iii) Sensory aids such as white canes; noise reducing headphones and coloured lenses (iv) Technology aids such as computers for alternate and augmentative communication, screen readers, magnifiers, text in audio format.

Assistive Technology: It is an umbrella term that includes assistive, adaptive, and rehabilitative devices and services for persons with disabilities, which enable persons with disabilities and learning differences to attain independence. They include for example, loop systems, sub texting…

Communication includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, lip-speaking services, speech reading services, whisper interpretation, note-taking services and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

Community-Based Rehabilitation and Habilitation (CBR): It is a strategy to enhance the quality of life of persons with disabilities through rehabilitation and habilitation, equalisation of opportunities, poverty reduction, and social inclusion. CBR as a service is implemented through the combined efforts of persons with disabilities themselves, their families, organizations, and communities, and relevant governmental and non-governmental health, education, vocational, social, and other services.

Disability: The UNCRPD does not attempt to define disability per se, but rather recognises disability as an evolving concept. Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied access to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments.
Persons with disabilities experience three main types of interrelated barriers:
• social (including high cost, lack of disability awareness, and communication difficulties);
• psychological (such as fear for personal safety); and
• structural (including infrastructure, operations and information).

Discrimination is any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly (a) imposes burdens, obligations or disadvantages on; and/or (b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds, which include disability and any other ground that might disadvantage a person, undermines human dignity or adversely affects an individual's rights and freedoms.

Disability Discrimination: Discrimination on the basis of disability means any distinction, exclusion or restriction of persons on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, on all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It encompasses all forms of unfair discrimination, whether direct or indirect, including denial of reasonable accommodation.

Disability Mainstreaming requires a systematic integration of the priorities and requirements of persons with disabilities across all sectors and built into new and existing legislation, standards, policies, strategies, their implementation, monitoring and evaluation. Barriers to participation must be identified and removed. Mainstreaming therefore requires effective planning…

Disability Service Organisations focus on service delivery (rehabilitation, habilitation, counselling, training, employment support etc.) to persons with disabilities…They are run by service providers and/or community members.

Disablism: Describes the negative attitudes, behaviours, practices and environmental factors which discriminate (intentionally or unintentionally) against disabled people and create barriers to their equal participation in mainstream society.

Duty-bearers in human rights law include governments, national and local authorities, public officials and service providers.

Enabling environments: Interrelated physical and other infrastructures, built environments, culture, laws, policies, information and communication technologies, and organisations that must be in place to facilitate the socio-economic development of persons with disabilities.

Equality refers to the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes equality according to the law and in terms of outcomes. It ensures that individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their requirements. It is the right of different groups of people to have respect for their social position and receive equitable treatment in society. Equality is the removal of discrimination that ensures all opportunities and life chances are available to persons with disabilities on an equitable basis with others… 'Equality' under PEPUDA includes "the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes de jure and de facto equality and also equality in terms of outcomes".

Exclusion refers to the act of socially isolating or marginalizing an individual or groups on the basis of discrimination by not allowing or enabling them to fully participate and be included in society and enjoy the same rights and privileges. This…results in keeping "others" outside from the prevailing social system and thus restricting their access to material, social, economic and political resources and rights…

Impairment is a perceived or actual feature in the person's body or functioning that may result in limitation or loss of activity or restricted participation of the person in society with a consequential difference of physiological and/or psychological experience of life. For example, the International Classification of Disease (ICD) could be utilised for purposes of defining physical, sensory, intellectual, psychosocial and neurological impairments.

Inclusion is regarded as a universal human right and aims at embracing the diversity of all people irrespective of race, gender, disability or any other differences. It is about equal access and opportunities and eliminating discrimination and intolerance for all…Inclusion implies a change from an 'individual change model' to a 'system change model' that emphasises that society has to change to accommodate diversity, i.e. to accommodate all people. This involves a paradigm shift away from the 'specialness' of people to the nature of society and its ability to respond to a wide range of individual differences and needs. Inclusion is the ultimate objective of mainstreaming.

Independence is a state of being whereby available and adequate support services, assistive devices and personal assistance to persons with all disabilities enables persons with disabilities to exercise choice, bear responsibility and participate fully in society.

Independent living: The ability of a person to live just like anyone else, to have opportunities to make decisions that affect their lives and to be able to pursue activities of their own choosing with the necessary support to enable persons with disabilities to live independently.

Information and Communication Technology (ICT)…includes any kind of information and communication device or application and its content, and encompasses a wide range of access technologies, such as radio, television, satellites, mobile phones, fixed lines, computers and network hardware and software.

Personal Assistance Services: A range of services…designed to assist an individual with a disability to perform daily activities that the individual would typically perform if the individual did not have a disability...It removes the element of discrimination and segregation by providing for equal participation. (Personal Assistants include…lip-speakers, whisper interpreters, South African Sign Language interpreters, note-takers…

Persons with disabilities include those who have perceived and or actual physical, psychosocial, intellectual, neurological and/or sensory impairments which, as a result of various attitudinal, communication, physical and information barriers, are hindered in participating fully and effectively in society on an equal basis with others.

Reasonable Accommodation refers to necessary and appropriate modification and adjustments, as well as assistive devices and technology…to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Self-representation refers to the practice of people being able to articulate their own issues by themselves and for themselves. It refers to people being enabled and allowed to have their own voice in issues that relate to their specific needs and circumstances.

Universal Access means the removal of cultural, physical, social and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens and residents. The absence of accessibility or the denial of access is the loss of opportunities to take part in the community on an equal basis with others.

Universal Design is the design of products, environments, programmes and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialised design…

PART 1: CONTEXT

1.1 Definition of Disability

1.1.1 Definition

...• There are various definitions of disability. However, all the rights-based definitions share certain common elements even if they emphasise or word them differently. Common elements include:
o The presence of impairment;
o Internal and external limitations or barriers which hinder full and equal participation,
o A focus on the abilities of the person with a disability; and
o Loss or lack of access to opportunities due to environmental barriers and/or negative perceptions and attitudes of society.

• Disabilities can be permanent, temporary or episodic.
Disability therefore results from the interaction between persons with impairments and attitudinal and environmental barriers. It is important to note that persons with disabilities should be defined within the context of defining the beneficiary group for purposes such as affirmative action, protection against discrimination, service delivery, reasonable accommodation support measures, social security, etc…

1.2.3 The Social Model to Addressing Disability (Present and Future)

…The model further encourages that persons with disabilities must actively participate in transformation processes that impact on their lives. Also it does not deny the reality of "impairment", (an incident of human diversity), nor the impact this may have on the individual…

1.4.1 National Policies and Legislation

…The **Constitution of the Republic of South Africa, 1996** states that "everyone is equal before the law and has the right to equal protection and benefit of the law". The Vision of the WPRPD, which is "a free and just society inclusive of all persons with disabilities as equal citizens", means that all policies and legislation, across all spheres of government and of every socio-economic sector, directly impacts on the lives of persons with disabilities.

The definition of disability, the social model, the rights-based and mainstreaming approach as described and advocated in this WPRPD means that persons with disabilities must be considered as target groups and beneficiaries in all policies and legislation. Thus, all policies and legislation that affect the lives of persons with disabilities will have to be reviewed against this WPRPD and the UNCRPD obligations…

1.5 The National Development Plan: 2030 Vision

…The NDP acknowledges that many persons with disabilities are not able to develop to their full potential due to a range of barriers, namely physical, information, communication and attitudinal barriers and states that "*Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach*"…

PART 2: THE RIGHTS AND RESPONSIBILITIES OF PERSONS WITH DISABILITIES

…2.2 Human Rights

…Section 9 of the Constitution, as entrenched in the Bill of Rights, guarantees the right to equality to all, and prohibits discrimination on the grounds of, among others, disability...

2.4 Economic Rights

…Economic rights include access to the resources such as land, finance capital, decent work, capital infrastructure and labour.

Employers must take on the responsibility for providing for reasonable workplace accommodation and economic infrastructure must be built and/or renovated according to the concepts of barrier-free access and universal design…

PART 3: PURPOSE, SCOPE AND KEY PRINCIPLES

…the purpose of this WPRPD is to:

• Provide a mainstreaming trajectory for realising the rights of persons with disabilities through the development of targeted interventions that remove barriers…
• Provide clarity on and guide the development of standard operating procedures;
• Guide the review of all existing and development of new sectoral legislation and policies, programmes, budgets and reporting systems to bring these in line with both Constitutional and international treaty obligations;
• Stipulate norms and standards for the removal of discriminatory barriers…
• Broadly outline the responsibilities and accountabilities of the various stakeholders involved in providing…service delivery to persons with disabilities;

- Guide self-representation by persons with disabilities;
- Provide the framework for a uniform and coordinated approach by all government departments and institutions in the mainstreaming of disability across all…services and development programmes;
- Provide a framework against which the delivery of services to persons with disabilities can be monitored and evaluated; and
- Guide gender mainstreaming to ensure that women with disabilities enjoy equitable access…

…3.3 Key Principles and Considerations

Directives:
…Full and effective participation and inclusion in society:…• Ensuring consultation and meaningful involvement in activities and supported decision-making processes, • Creating opportunities to voice opinions, influence and complain when participation is denied, • Providing an accessible, barrier-free physical and social environment, as well as access to information and communication…
Equalisation of Opportunities: This involves ensuring that persons with disabilities are able to access and participate in all opportunities available to all other people.
Accessibility:… • Enabling persons with different types of disabilities to live independently and to participate fully in all aspects of life, and • The dismantling of barriers that hinder the effective enjoyment of all rights by persons with disabilities.

PART 4: VISION, MISSION AND OUTCOMES

4.1 Vision

…"South Africa – A free and just society inclusive of all persons with disabilities as equal citizens"…

4.3 Outcomes

Implementation of the WPRPD should deliver the following outcomes:
- Persons with disabilities are accorded and enjoy their full political, human, social and economic rights on par with all other people in South Africa;
- All persons with disabilities, irrespective of their age, gender, type of disability, race and economic status; participate fully and equally…
- The rights of all persons with disabilities to live and work in safe and accessible environments, free from discrimination, harassment and persecution is upheld and persons with disabilities have access to recourse and redress in instances where these are violated;
- Persons with disabilities to have equitable access to life-long learning, training and capacity building and be enabled to learn through technology-aided systems other than the traditional method of learning;
- South Africa to provide persons with disabilities with services and interventions that ensure economic security…
- Persons with disabilities to represent themselves on issues affecting their lives…
- That all public and private transportations should be designed for universal access;

• An efficient, effective and development oriented state machinery that delivers services in an equitable manner, reports on the equitable outcome of public expenditure and delivery, and which complies with international and national human rights obligations; and
• South Africa providing leadership, sharing experiences and learning from the international community…

PART 5: STRATEGIC APPROACH TO REALISING THE RIGHTS OF PERSONS WITH DISABILITIES

…5.2 A Mainstreaming Approach

Pillars for Mainstreaming
…There are four pillars that inform and guide the mainstreaming agenda for persons with disabilities…:
• *Rights Pillar* - requires that processes, procedures, policies, programmes and actions be centred on economic, social, human and political rights enshrined in the Constitution; and apply the concept of universal design to ensure access;
• *Empowerment Pillar* - refers to processes, procedures, policies, programmes and actions aimed at affording access, equal treatment, inclusion, participation, accountability and efficiencies...
• *Equality Pillar* - This pillar encompasses the right of persons with disabilities to equality of outcome…
• *Results Pillar* - the outcomes-based approach directs processes, procedures, policies and programmes and actions to be centred on results with desired impacts…

PART 6: STRATEGIC PILLARS FOR REALISING THE RIGHTS OF PERSONS WITH DISABILITIES

6.1 Pillar 1 – Removing Barriers to Access and Participation
…The creation of barrier-free environments requires collective and concurrent action by law and policy makers, service providers, regulatory bodies, the private sector as well as organisations of and for persons with disabilities.

…Accessibility lies at the heart of the right to human dignity…A number of articles in the UNCRPD requires State Parties to take appropriate measures to ensure that persons with disabilities are able to access, on an equal basis with others, the physical environment, transportation, information and communications as well as other facilities and services open or provided to the public, both in urban and in rural areas…

Articles of the UNCRDP that speak to removing barriers to access and participation:
Article 9: Accessibility
This article emphasises that State Parties have legal obligations to ensure accessibility to persons with disabilities. In this vein, the development and implementation of national laws and policies that advance accessibility must be promoted...
Article 21: Freedom of Expression and opinion and access to information

This article foregrounds accessibility in terms of expression, opinions and information. It states that appropriate measures should be taken to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

6.1.1 Focus Areas

The following six dimensions have to be addressed in order to remove barriers to access and participation:
• Changing attitudes and behaviour;
• Access to the built environment;
• Access to transport;
• Access to information and communication;
• Universal design and access; and
• Reasonable accommodation measures.

6.1.1.1 Changing Attitudes and Behaviour

…Directives:
Develop and implement a Disability Rights Awareness and Plan: The Plan must be centred on an ongoing campaign across all sectors of society.
…The development and implementation of new disability related and sensitive terminology based on human rights must be managed at a national level…

6.1.1.3 Access to Transport
…It is important that access to transport be viewed across the entire travel value chain:
• Planning a trip – having relevant information available in accessible format…
All transport-related licences and permits for all modes of transport must include universal access and design requirements…

6.1.1.4 Access to Information and Communication
…Persons who are hearing impaired and/or acquire deafness later in life, might however never utilise SASL as their language of choice. They require access to lip readers, note-takers, loop systems, captioning and sub-texting for access to information and communication. Persons with severe speech impairments often require alternative and augmentative communication to communicate and access information. This includes non-speaking autistic persons who may also need alternative and augmentative communication (AAC)…the use of mobile phones is instrumental in allowing the independent living of persons with disabilities. Television is also an important source of information, but requires sub-titling, close captioning and audio-descriptions to ensure equal access.

Directives:
Provide captioning on all television programmes: This must be done by all public and private television channels
Provide accessible emergency and disaster management information: All emergency and disaster management and occupational health and safety procedures must include a protocol to ensure that persons with disabilities have access to an equitable degree of information and safety as persons without disabilities using the same service…

6.1.1.5 Universal Access and Design

…There are two aspects to Universal Access:
- Direct Access…
- Indirect Access. The use of assistive devices and technology such as wheelchairs, screen readers etc., and refers to product, environment (rural and urban), service or system interfaces that enable an add-on assistive technology to provide the user with full access.

6.1.1.6 Reasonable Accommodation Measures

Reasonable accommodation ensures that persons with disabilities enjoy, on an equal basis with others, all human rights and fundamental freedoms. The PEPUDA includes 'denial of reasonable accommodation' as a form of unfair discrimination.
Reasonable accommodation support tends to be individual and impairment specific, and includes measures to:
- Make the physical environment accessible;
- Provide persons with disabilities with access to information and communication;
- Redress stress factors in the environment;
- Accommodate specific sensory requirements such as those relating to light, noise and spatial stimuli…
- Guarantee participation and supported decision-making by persons with disabilities; and
- Provide access and participation to quality education and work.

Reasonable accommodation measures are therefore inclusive of assistive devices, assistive technology, personal assistance, adaptations of the built environ, signage, captioning, text available in audio, loop systems, FM systems, alerting/alarm systems for evacuation procedures, dedicated sms lines to all emergency service call centres, adaptation of (for example) work arrangements and the implementation of flexibility within the workplace to accommodate persons with disabilities.

6.2 Pillar 2 – Protecting the Rights of Persons at risk of Compounded Marginalisation

…RELEVANT UNCRPD ARTICLES:
Article 1…focuses on the promotion, protection and realisation of the full and equal enjoyment of *all* human rights and fundamental freedoms by *all* persons with disabilities.
Article 21: Freedom of expression and opinion, and access to information…

6.2.1.3 Access to justice

…Barriers hindering persons with disabilities from either using the justice system when they feel wronged or mistreated, or limiting their contributions to the administration of justice, include…Physical inaccessibility of adjudication institutions…
Persons with sensory, intellectual, neurological and/or psychosocial disabilities often experience additional barriers, including…Communication challenges, which can hinder a solicitor in assisting their client effectively…

Recourse mechanisms include
...• improving access to courts;

• improving equitable access to service delivery and consumer complaint mechanisms and institutions;

• strengthening the capacity of Chapter 9 institutions

…This must include making available the full spectrum of reasonable accommodation support measures, access to the built environment, as well as procedural and age appropriate accommodations within the police services, legal aid services and court procedures.

A system to ensure barrier free access to justice must be put in place…

6.3 Pillar 3 – Supporting Sustainable Integrated Community Life

…RELEVANT UNCRDP ARTICLES:

Article 30…deals with Participation in cultural life, recreation, leisure and sport states that measures to ensure the right of persons with disabilities to take part on an equal basis with others in cultural life, should include, among others, enjoying access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoying access to monuments and sites of national cultural importance…

6.3.1 Focus Areas

The following focus areas require focused intervention to improve community living outcomes for persons with disabilities and their families:

...• Protection during situations of risk and disaster.

…The rights of persons with disabilities must be integrated into all programmes and messages focusing on…reducing inequality…social cohesion and universal access to services...

6.3.1.3 Accessible Human Settlements/Neighbourhoods

…This requires that universal design principles are applied across the human settlement planning and design value chain.

The built environment, transport systems and information systems must be fully accessible for use by persons with disabilities…Public and private transport systems must be designed and retrofitted to enable persons with disabilities to utilise the entire transport value chain without barriers...

6.3.1.5 Protection during situations of risk and disaster

Persons with disabilities…face higher risks in emergency situations and are disproportionately affected by natural and other disasters…This requires that all emergency and disaster management services be staffed with personnel who have immediate access to the required reasonable accommodation support systems and who have been trained in assisting persons with disabilities.

Directives:

Review Disaster Management Plans: The plans must ensure that persons with disabilities requiring assistance during evacuation and disaster warning systems have prioritised access to disaster management services.

Provide accessible disaster relief services: National and provincial disaster management centres must ensure that psychosocial support service personnel that have the capacity to assist persons with disabilities, are available for deployment during disasters and that evacuation centres are accessible.

6.4 Pillar 4 – Promoting and Supporting Empowerment of Persons with Disabilities

…The normal life cycle of persons with disabilities is often interrupted due to, among others: … Lack of access to appropriate and timeous information and support…

Factors which contribute to dependency and disempowerment among persons with disabilities include:

• *Social isolation…*

• *Unresponsive services and systems* – barriers to access to opportunities and services available to the general population, inappropriate or unavailable disability-specific interventions

…RELEVANT UNCRDP ARTICLES:
…Article 4 on General Obligations, states…that accessible information must be provided to persons with disabilities about assistive devices and technologies, as well as other forms of assistance, support services and facilities.

6.4.1.1 Early Childhood Development

Early childhood development services and programmes provide ideal opportunities for the prevention, early identification and timely provision of assistance and support for children with disabilities. Access to relevant information, early identification and community-based intervention services across government departments and spheres of government, and inclusive early childhood development opportunities, is required…

Directives:
Children with disabilities must have equitable access to all ECD Programmes and Facilities:
This requires that mainstream ECD programmes and facilities are made accessible for children with disabilities, i.e. that infrastructure; attitudes, equipment and activities do not hinder the participation of children with disabilities. Thus building plans, playgrounds, equipment, toys and ECD practitioner training comply with universal design norms and standards.
Develop disability specific intervention and support services: The services must focus on individual developmental programmes, language and communication development, assistive devices and technology and therapy to improve independence and social integration, as well as parent empowerment and support programmes.
Develop a national integrated referral and tracking system: The seamless system must:
…• Ensure that children with disabilities on the database are assessed and have access to an individualised developmental support and treatment programme and social assistance benefits;
• Ensure that all children with disabilities are enrolled in appropriate ECD and compulsory education programmes…

6.4.1.2 Life-long Education and Training

Specific measures that must be taken include:
…• Ensuring that the education of persons, and in particular children, who are blind, deaf, hearing impaired, non-speaking autistic or deaf-blind is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;
• Employing teachers, including teachers with disabilities, who are qualified…to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means

and formats of communication, educational techniques and materials to support persons with disabilities; and

• Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others by, among others ensuring that reasonable accommodation is provided to persons with disabilities...

Directives:
Provide accessible education facilities: This applies to all existing and future developed public and private education institutions and campuses.
Provide educational support and reasonable accommodation at all institutions of learning: This involves the timeous availability of adequate support and reasonable accommodation measures across the value chain at all public and private education and training facilities and programmes to persons with disabilities…

6.4.1.3 Social Integration Support

Whilst all persons with disabilities are at risk of compounded marginalisation, it should be noted that there are groups which currently experience increased risk due to their actual or perceived impairment.

Communication difficulties, which compound the opportunities for persons to speak out, provide testimony; represent themselves effectively and in general, to be heard and to engage. Persons with communication difficulties require assistive technology and/or intermediaries to facilitate communication, which is often not available.

Persons with disabilities require, in addition to enabling environments and access to services available to the general population, a range of disability specific services…These services include:
...• Assistive device and technology support services;
The lack of rehabilitation services beyond hospital level during the initial phases of onset and/or diagnosis of disability (and for only a limited range of impairments) focusing on prevention of primary and secondary disabilities, is a major contributory factor to the slow uptake of affirmative action opportunities for adults with disabilities in economic empowerment and employment programmes.

…Access to appropriate and affordable assistive devices and technologies for persons across the impairment spectrum ensures increased independence, participation and improved health, and should be available for use at home, at school, at work and during leisure activities…

Directives:
Establish integrated, multisectoral provincial rehabilitation and habilitation centres: These must provide and prioritise multi-sectoral screening, early identification and assessment services…; a range of specialised independent living and social integration services to all persons with disabilities, irrespective of impairment; an assistive device and technology service, as well as coordination service for community-based personal assistance...
Subsidise peer and parent empowerment support: Peer support empowerment programs for children, youth and adults with disabilities, as well as parents of children with disabilities, must be subsidised and available at community...

6.4.1.4 Access to Healthcare and Lifestyle Support

…Affordability of healthcare (including the cost of transport, rehabilitation and assistive devices, consumables and maintenance of devices) is a major deterrent for persons with disabilities receiving social assistance to seek employment…

Directives:
Provide access to affordable healthcare services: Integrated and holistic basket of accessible and affordable healthcare services at a district and community level, as well as access to higher levels of care, must be provided to all persons with disabilities...

6.5 Pillar 5 – Reducing Economic Vulnerability and Releasing Human Capital

…Barriers that prevent persons with disabilities from improving their livelihoods are related to limited access to services such as health and education, negative attitudes from staff and community members, lack of reasonable accommodation and resources as well as increased costs related to health care, transportation, assistive devices and personal assistance…However, such vulnerability also has profound implications for persons with disabilities who are financially more secure, but whose resources are limited and whose expenses are extraordinary. Failure to maintain financial stability may therefore trigger a downward spiral resulting in, among others, bankruptcy, diminished physical and mental health, financial dependence on family and friends, and even homelessness or institutionalisation if insufficient family support and resources are available…

Persons with disabilities living in rural and impoverished settlements, and on farms and traditional communities are less likely to access employment opportunities due to (i) the lack of accessible and affordable public transport; and (ii) lack of accessible and affordable specialised services and opportunities in these areas. Traditional communities are also more likely to associate disability with traditional beliefs and practices.

RELEVANT UNCRDP ARTICLES:
Article 27: Work and Employment
The right of persons with disabilities to work, on an equal basis with others, inclusive of the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. To achieve this, specific measures must be taken, including:
...• Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace…

6.5.1 Focus Areas

The following four (4) focus areas aim to accelerate reducing the economic vulnerability of persons with disabilities and their families and fostering economic self-reliance:
...• Access to decent work and work opportunities…

6.5.1.1 Disability, Poverty, Development and Human Rights

Directives:
…Align social assistance with cost of disability: Social assistance must be aligned with the actual cost of disability, and must be structured in a way that encourages social assistance beneficiaries with disabilities to transition to sustainable livelihoods and decent work…

Develop and/or strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disabilities: The programmes and projects must focus on…• Affordable assistive devices and support, including accessibility of information and communication technology…

6.5.1.2 Access to decent work and employment opportunities

Persons with disabilities must be treated as an asset rather than an expense item, and every effort should be taken, whether formally or informally, to develop skills and abilities and to provide opportunities for people to maximise their contribution.

Work is essential to an individual's economic security and is important to achieving social inclusion…

Invisible disabilities (psychosocial, neurological, hearing and intellectual disabilities) often lead to persons with these disabilities not having access to affirmative action, social security and assistance benefits as they are not easily identifiable. These persons are therefore required to present additional proof of impairment.

6.5.1.4 Reducing the cost of disability for persons with disabilities and their families

The extra-ordinary costs of living associated with the high cost of personal assistance services (sign language interpreters, attendant care, reader and notetaking services), assistive devices and technology and transport for some groups, as well as healthcare-related expenses, significantly detract from equality of outcomes despite the availability of affirmative action programmes…Taxpayers with disabilities or with disabled dependants, enjoy a significant range of tax rebates for all medical scheme contributions and out-of-pocket medical expenses. These include:
...• acquisition, insurance and maintenance of assistive devices, artificial limbs and technology required to enable persons with disabilities to perform daily activities (including computer or other electronic equipment required in order to convert printed material or image files into text, braille, speech or any other accessible format, including peripheral equipment such as scanners, braille printers, speakers and headphones for the personal use by or for a person with a disability)…The challenge with the current taxation system in South Africa is that it is linked to the tax bracket of the individual, rather than on an equitable rebate for the actual expense of the disability-related cost incurred.

Directives:
Review disability related tax benefits: Disability-related tax benefits must be reviewed to ensure equity in the recovery of disability-related costs.
Measures must be put in place to mediate the disability-related costs to SMMEs owned by persons with disabilities: Adjudication of bids must exclude the disability-related costs associated with reasonable accommodation measures required to run the business to ensure equitable adjudication on price.

6.6.1.3 Strengthening the Diversity and Capacity of DPOs and Self-advocacy Programmes

…Directives:
…Provide accessible consultative platforms and support for selfrepresentation: Persons with disabilities who experience barriers in representing themselves or organising themselves into

representative organisations, must be provided with consultative platforms and support to represent themselves.

6.6.1.4 Public Participation and Consultation

…This requires that reasonable accommodation measures are put in place to ensure that persons with disabilities know about the platforms, are able to get to these meetings, are able to get into and move around in the buildings where the meetings are held, have their specific sensory requirements taken into account (e.g. lighting, noise levels etc.), have accessible ablution facilities, have access to the full range of interpreter services and other assistive technology which provides access to information and communication, and are able to present their viewpoints.

Directives:
All public participation programmes must be fully accessible to persons with disabilities…

6.6.1.5 Self-representation in public life

It is important that persons with disabilities enjoy direct representation in legislative bodies as well as governance structures of public institutions whose mandates impact on the lives of persons with disabilities…Children with disabilities must be enabled to represent themselves. This can take the form of providing support and platforms to enable them to represent themselves.

6.7.1.1 Disability Equitable Planning, Budgeting and Service Delivery

… Principles informing coordination of services, budgeting and resource allocation include:
• Persons with disabilities have a right to participate equally with others in any activity and service intended for the general public;
• Principles of universal design and reasonable accommodation provisioning must inform all new and existing legislation, standards, policies, strategies, plans and budgets;
• Targeted programmes and services aimed at redressing and/or to ensure that the diverse needs of persons with disabilities are adequately met must be underpinned by effective planning, adequate allocation of human resources and sufficient financial investment;
• Persons with disabilities must be consulted on selecting appropriate reasonable accommodation measures, assistive technology and personal support; and
• Representative organisations of persons with disabilities (inclusive of parents' organisations) must be consulted throughout the design-planningimplementation-monitoring-evaluation-regulation value chain.
… Disability equitable budgeting includes the re-prioritisation of existing budgets to accommodate reasonable accommodation support required to facilitate equality of outcome for persons with disabilities, as well as budgeting for disability-specific services required by persons with disabilities to promote human dignity, empowerment and self-reliance. It also requires that all conditional grants in the division of revenue include a requirement that all infrastructure, technology and programme development complies with the principles of universal design.

Directives:
Develop disability rights and equity commitment statements Implement a disability equitable budgeting model…
Develop and implement funded Universal Design Access Plans…

All service level agreements with state owned enterprises must include a disability dimension that contributes towards equitable outcomes for persons with disabilities.

6.7.1.3 Public Procurement and Regulation

…Interventions: All public procurement and tender documents and processes must comply with the concept of universal design…

6.7.1.4 Capacity Building and Training

…Disability rights mainstreaming must be integrated into all aspects of pre-graduate training, orientation and training offered to personnel of the state machinery, accreditation of disability rights mainstreaming courses must be strengthened, a and persons with disabilities must be empowered to participate as trainers.

Whilst employers are responsible for ensuring that they capacitate employees to deliver disability equitable services, it is also the responsibility of every employee to ensure that they equip themselves with the required knowledge and skills to serve all customers equitably...

Directives:
Train personnel on providing services to persons with disabilities…
Include modules on disability in all education materials and courses…

6.7.1.5 Strengthening Accountability

…Duty-bearers must therefore be regarded as having intentionally discriminated on the basis of disability if they cannot illustrate that they:
• Have acknowledged that persons with disabilities experience marginalisation and exclusion (attitude);
• Have identified the barriers/sources of exclusion and marginalisation (baseline);
• Have identified the enablers to remove the barriers (intent);
• Have budgeted to remove the barriers (commitment);
• Can report on results/impact of implementation (accountability); and
• Can demonstrate by taking actions that they are improving (responsibility).

Directives:
…Develop and implement new disability specific legislation…
Review existing legislation…

6.9 Pillar 9 – Monitoring and Evaluation

…6.9.2 Key Principles

M & E of disability rights will be underpinned by the following key principles:
• *Disability-disaggregation* of all monitoring and evaluation information where it can be used to inform responsive planning, budgeting, implementation and reporting. The aim is to report on meaningful inclusion of persons with disabilities in all government policies and programmes;
• *Involvement of rights-holders* – ensuring the full participation of persons with in the conceptualisation, planning, development, implementation and monitoring of all government policies and programmes that directly or indirectly impact on their lives…

6.9.4 Reporting

…The designated national disability rights coordinating mechanism will publish an annual report on progress being made in the implementation of the WPRPD, against the targets set in the Implementation Matrix...

6.9.5 Enforcement mechanisms

Persons with disabilities whose rights have been violated currently have access to recourse through a number of existing mechanisms, including:
• The SAHRC, which can…investigate, report and secure appropriate redress where human rights have been violated;
• The Public Protector, which can, among others, investigate complaints on the conduct of a government official which interferes with the enjoyment of economic and social rights;
• The Public Service Commission, which can…investigate complaints against public administration practices;
• The Courts, which play a very important role in the interpretation and enforcement of economic and social rights; and
• Other mechanisms such as the National Consumer Commission.

South Africa also ratified the Optional Protocol to the UNCRPD…in 2007. This provides persons with disabilities with direct access to the UN Committee on the Rights of Persons with Disabilities if persons with disabilities believe that persons with disabilities are victims of a violation of the provisions of the UNCRPD, and where persons with disabilities have exhausted all available domestic remedies such as the Constitutional, Labour and/or Equality Courts.

PART 7: ROLES AND RESPONSIBILITIES

…7.7 Roles and Functions of Disability Organisations

Organisations of and for persons with disabilities play a central role in advancing the implementation, as well as monitoring of the WPRPD…