

WHITE PAPER ON THE RIGHTS OF PERSONS WITH DISABILITIES (WPRPD)

**Presentation to DHET
Mr Benny Palime
29 June 2018**



BRIEF BACKGROUND

- 1996 Constitution adopted
- 1997 White Paper on the Integrated National Disability Strategy (INDS)
- 2000 PEPUDA passed
- 2007 ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD)
- 2012 Release of the National Development Plan
- 2014 Depositing of the Initial Country Report to the UNCRPD
- 2015 Adoption of the SDGs



9 December 2015

Cabinet approval of the White Paper on the Rights of Persons with Disabilities and its Implementation Matrix



DEFINITION OF DISABILITY

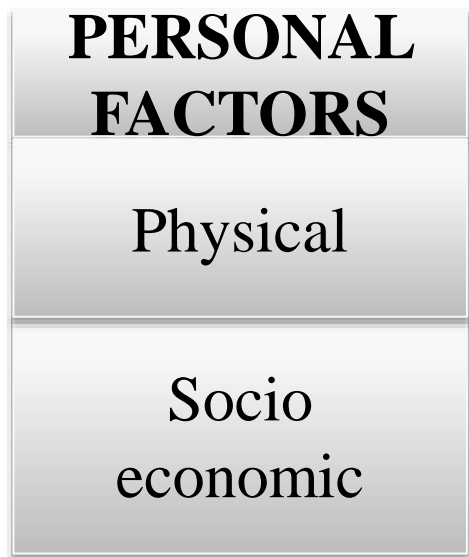
Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied access to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments.

Persons with disabilities experience three main types of interrelated barriers:

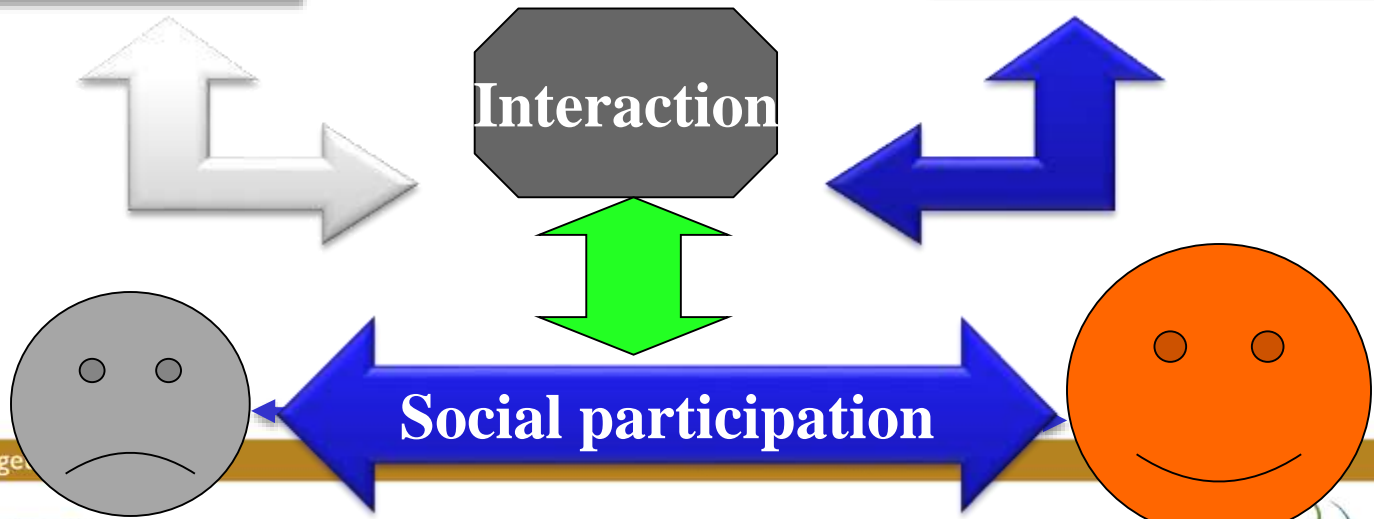
- social (including high cost, lack of disability awareness, and communication difficulties);
- psychological (such as fear for personal safety); and
- structural (including infrastructure, operations and information).



UNDERSTANDING THE SOCIAL MODEL OF DISABILITY



The interaction!



Building a Caring Society Together

www.dsd.gov.za



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA



COMPOUNDED MARGINALISATION

- Not a homogenous sector
- Race, gender, age, impairment, socio-economic status, geographical location etc matters and impact on opportunity access and participation



FOCUS IS ON:

- Domestication of UNCRPD (policy fore-runner of legislative audit & new laws)
- Embedding disability mainstreaming in governance and administrative systems
- Strengthening accountability by duty-bearers
- Strengthening recourse for rights-holders
- Ensuring that ALL persons with disabilities and their families benefit (persons with disabilities is not a homogenous group)



POLICY DIRECTION

Policy direction remains the same as the
White Paper on an Integrated National
Disability Strategy released in 1997

=

DISABILITY MAINSTREAMING



UNCRPD

PURPOSE

- The purpose of the present conventions to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.



GENERAL PRINCIPLES OF THE POLICY(UNCRP)

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of others
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.



PROGRESSIVE REALISATION OF RIGHTS

- **More in number (access),**
- **More in diversity (compounded aspects),**
- **Better in quality (participation)**



GENERAL OBLIGATIONS

State parties undertake to ensure and promote the full realization of all human rights and fundamental freedom of all persons with disabilities without discrimination of any kind on the basis of disability, State parties undertake;

- To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present convention
- To take appropriate measures , including legislation, to modify or abolish existing laws, regulations, customs and practices that constitutes discrimination against persons with disabilities
- To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes
- To refrain from engaging in any act or practice that is inconsistent with the present convention and to ensure that public authorities and institution act in conformity with the present Convention.

CONTINUED

- To take all appropriate measures to eliminate discrimination on the basis of disability by any persons, organization or private enterprise.
- To undertake or promote research and development of universally designed goods, services equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines
- To undertake or promote research and development of, and to promote the availability and use of new technologies, mobility aids , devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost
- To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance and service guaranteed by those rights
- To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this present Convention

Building a Caring Society. Together.

ACCOUNTABILITY

A duty bearer could be regarded as having intentionally discriminated on the basis of disability if he/she cannot illustrate that he/she:

- 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**)

9 STRATEGIC PILLARS

- 1: Removing Barriers to Access and Participation
- 2: Protecting the Rights of Persons with Disabilities at Risk of Experiencing Compounded Marginalisation
- 3: Supporting Sustainable Integrated Community Life
- 4: Promoting and Supporting the Empowerment of Persons with Disabilities
- 5: Reducing Economic Vulnerability and Releasing Human Capital
- 6: Strengthening the Representative Voice of Persons with Disabilities
- 7: Building a Disability Equitable State Machinery
- 8: Promoting International Co-operation
- 9: Monitoring and Evaluation



Relevance of the policy to service delivery

Pillars which direct HOW

Removing barriers to access & participation

Universal design, also requirement when outsourcing
Compliance with Building Regulations (Part S, Code 0040), provision of assistive devices

Strengthening the Representative Voice of Persons with Disabilities

Structured consultative platforms with relevant disability organisations at national, provincial and project level

Building a Disability Equitable State Machinery

Universal design access plans
Disability disaggregated statistics and data management
In-house capacity to mainstream disability effectively across service delivery value chains
Procurement
Disability disaggregated reporting

Building a Caring Society Together.

www.dsd.gov.za

Removing Barriers

- Disability Rights Awareness Plan
- Universal design audits of existing infrastructure portfolio, designs etc.
- Financing strategy for disability equitable budgeting
- Disability mainstreaming strategy for development and service standards
- Sensitization of liaison officers
- Outsourcing – contractual universal design requirement



Relevance of policy to legislation

Pillars relating to OUTCOMES(MTSF outcomes 13 and 14)

Supporting sustainable integrated community life

Building and supporting families

Promoting and Supporting the Empowerment of Persons with Disabilities

Equitable access to Gender Mainstreaming opportunities for women and girl children with disabilities.

Equitable access to lifelong education and training

Reducing Economic Vulnerability and Releasing Human Capital

Broadening access to disability mainstreaming programmes in rural areas

Access to decent work and employment

Persons with disabilities as owners of the economy
7% equity target

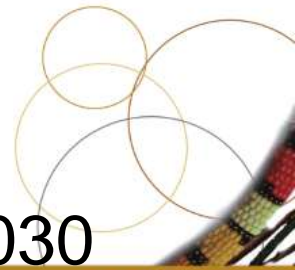
Administration of justice and application of the law to protect the rights and dignity of persons with disabilities

Building a Caring Society Together.

www.dsd.gov.za

INSTITUTIONAL ARRANGEMENTS

- Disability Inclusive Mainstreaming strategy through governance and administration.
- In-house disability rights coordination
 - Organisational design options
 - Monitoring and evaluation across value chain across Governance procedures
- Consultative platforms
- The target must take into consideration disability population demographics as well as redress requirements to facilitate equality of outcome by 2030



IMPLEMENTATION OF WPRPD

National Disability Rights Machinery (NDRM) is platform for coordination of implementation (similar structures at provincial level)

Progress report on implementation to be submitted to Cabinet on annual basis

Impact evaluation to be conducted every four years



Successful implementation of the WPRPD rests on the shoulders of EVERYONE – every duty-bearer and every rights-holder in South Africa –

- Take responsibility of informing yourself of your rights and responsibilities.
- Take responsibility by reading and internalising the policy document and its implementation matrix.
- Take responsibility by identifying barriers excluding persons with disabilities in your programmes and services, finding enablers, removing the barriers and ensuring equitable participation by persons with disabilities.
- Take responsibility by empowering your work place, your organisation and your constituency by discussing relevant sections of the WPRPD with everyone.
- Take responsibility by identifying flagship projects which could provide a platform for comprehensive implementation of the WPRPD.

DisabilityRights@dspd.gov.za



Building a Caring Society Together.

www.dsd.gov.za

Ke ya leboga Ke a leboha Ke a leboga Ngiyabonga
Ndiyabulela Ngiyathokoza Ngiyabonga
Inkomu Ndi khou livhuha Dankie

thank you



Together we move South Africa forward
through inclusive communities
that uphold the rights of persons with disabilities
to empowerment, equality, dignity, justice and
self-reliance