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<th>Description</th>
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>ADDP</td>
<td>Africa Decade for Disabled People</td>
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<tr>
<td>BEE</td>
<td>Black Economic Empowerment</td>
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<tr>
<td>BBBEE</td>
<td>Broad Based Black Economic Empowerment</td>
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<tr>
<td>B2B</td>
<td>Back to Basics</td>
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<tr>
<td>CBO</td>
<td>Community Based Organisations</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>CoGTA</td>
<td>Cooperative Governance and Traditional Affairs</td>
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<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>CSS</td>
<td>Central Statistical Services (now STATS SA)</td>
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<tr>
<td>DPOs</td>
<td>Disabled People’s Organisations</td>
</tr>
<tr>
<td>DPSA</td>
<td>Disabled People South Africa</td>
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<tr>
<td>DOL</td>
<td>Department of Labour</td>
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<tr>
<td>DSD</td>
<td>Department of Social Development</td>
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<tr>
<td>GHS</td>
<td>General Household Survey</td>
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<tr>
<td>HOD</td>
<td>Head of Department</td>
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<tr>
<td>HR</td>
<td>Human Resources</td>
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<tr>
<td>HRD</td>
<td>Human Resource Department</td>
</tr>
<tr>
<td>IDP</td>
<td>Integrated Development Plan</td>
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<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
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<tr>
<td>INDF</td>
<td>Integrated National disability framework</td>
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<tr>
<td>INDs</td>
<td>Integrated National Disability Strategy</td>
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<tr>
<td>IRSDP</td>
<td>Integrated Rural Sustainable Development Plan</td>
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<tr>
<td>LED</td>
<td>Local Economic Development</td>
</tr>
<tr>
<td>LG</td>
<td>Local Government</td>
</tr>
<tr>
<td>MIG</td>
<td>Municipal Infrastructure Grant</td>
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<tr>
<td>MIIS</td>
<td>Municipal Infrastructure Investment Strategy</td>
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<tr>
<td>MM</td>
<td>Municipal Manager</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<td>NDP</td>
<td>National Disability Policy</td>
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<tr>
<td>NEDLAC</td>
<td>National Economic Development and Labour Council</td>
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<tr>
<td>NDRP</td>
<td>National Disability Rights Policy (Draft)</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>NPO</td>
<td>Non Profit Organisations</td>
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<tr>
<td>NPC</td>
<td>National Planning Commission</td>
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<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
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<tr>
<td>OSDP</td>
<td>Office on the Status of Disabled Persons</td>
</tr>
<tr>
<td>PEPUDA</td>
<td>Promotion of Equality and Prevention of Unfair Discrimination Act</td>
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<tr>
<td>PGDS</td>
<td>Provincial Growth and Development Strategy</td>
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<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
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<tr>
<td>SALGA</td>
<td>South African Local Government Association</td>
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<tr>
<td>SCM</td>
<td>Supply Chain Management</td>
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<tr>
<td>SMMEs</td>
<td>Small, Micro and Medium Enterprises</td>
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<tr>
<td>SOE</td>
<td>State Owned Enterprises</td>
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<tr>
<td>STATS SA</td>
<td>Statistics South Africa</td>
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<tr>
<td>UNCRPD</td>
<td>UN Convention on the Rights of Persons with Disabilities</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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</table>
DEFINITIONS

Accessibility
According to the Convention on the Rights of Persons with Disabilities (2007), accessibility refers to equitable access for persons with disabilities to all services, products and facilities on an equal basis with others. This includes access to the built environment, transportation, information, including information and communication technologies, live assistance and all other systems and facilities offered to the public.

Braille
Braille system is defined as a method that is widely used by blind people to read and write.

Duty Bearer
A person or body who has the responsibility for ensuring the fulfilment of a right is known as a duty bearer. Duty bearers are primarily state actors and institutions at various levels of the governance structure, but also include non-state actors who are in a position to influence the rights of others. For instance, parents, teachers, the Ministry of Education and Parliament are all duty bearers with obligations to ensure that children with disabilities are able to realise their right to education.

Equalisation of Opportunities
The term "equalisation of opportunities" means 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 persons with disabilities. 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.

Mainstreaming
Mainstreaming is a strategy for making the concerns and experiences of people with disabilities an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that people with disabilities benefit equally and that inequality is not perpetuated.

Reasonable accommodation
Reasonable accommodation refers to necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms (Convention on the Rights of Persons with Disabilities, 2007).

Universal design
Universal Design (UD) is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. – Ron Mace

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EXECUTIVE SUMMARY

This Disability Framework for local government is a review and an update of the 2009-2014 one to bring it in line with new policy and strategic frameworks and developments. More importantly, this framework reflects on achievements, progress and challenges of mainstreaming disability at the coalface of delivery - local government. One specific question that should be asked as part of this reflection, is to what extent has the previous framework been implemented within the local government sphere and whether it has indeed led to the mainstreaming of issues pertaining to disabilities.

The Disability Framework is reviewed at a time of heightened awareness of the plight of persons with disabilities. A specific objective of this disability framework is "to ensure that municipalities and local government recognise and accept their vital role in implementing all policies, programmes and projects which address the needs of people with disabilities and their families or caregivers, in line with disability-specific indicators”.

This framework sets out to enable role-players in the local government sector to:

- Address the needs of different categories of people with disabilities, informed by the principles and values of equity and equality enshrined in the Constitution;
- Take into account the interests and needs of women, men, children, the elderly and youth with disabilities through the provision of accessible and equitable services;
- Promote and protect the rights of people with disabilities and in the process, empower them to live productive lives;
- Dispel myths and misperceptions about people with disabilities through education and awareness raising campaigns/programmes;
- Implement corrective measures to address discriminatory practices experienced by people with disabilities especially in the employment area, and to ensure their equitable representation in all occupational categories and levels in the workforce;
- Foster and create an environment that is free of barriers in order to maximise access to basic services by people with disabilities;
- Eliminate prejudice and stereotypes towards people with disabilities; and
- Facilitate access to training, resources and development opportunities to people with disabilities.

In so far as the objective of the framework is concerned, it serves to:

- Advocates for the mainstreaming of disability into local government. This means that disability issues should inform local government actions in terms of projects, planning and implementation of programmes.
- Ensure that in the application of the policy framework, regard must be given to the need for additional measures/interventions to address the needs of categories of people who are most vulnerable. This includes women with disabilities, children with disabilities and people with disabilities living in rural areas.

This framework is meant as a national guide to be implemented by all municipalities supported by COGTA, provincial COGTA and other departments and agencies involved in local governance and disability. It is aligned with a range of development initiatives and programmes of the different line functions in local government. The framework is guided by the pillars of the Back to Basic approach and other applicable legislation and policies. It applies to the local government sphere, particularly
provincial government departments, municipalities, traditional leadership and civil society organisations working within local government.

The Framework is divided into a number of sections. Section B provides an overview of the policy and legislative framework that informs the Framework. Section C goes into situational analysis that looks at the historical and socio-political contexts. The section also provides some baseline research findings, challenges experienced and achievements made thus far.

Section D provides an overview of local government and disability from a policy perspective. The section elucidates the role of local government in disability and reflects on the challenges and achievements over the past five years. The section also discusses emerging strategic frameworks such as Back to Basics and the NDP as well as critical issues related to local government’s response to disability issues.

Section E focuses on the critical issue of mainstreaming while the institutional arrangements, roles and responsibilities of all stakeholders and the accounting and reporting regime are the focus of Section F. Section G is the implementation plan of the framework and Section H outlines the guiding principles for the monitoring and evaluation of the framework. The document is concluded in Section I. Annexure A which provides a listing of preferred terminology to be used in documents and in general dealings with people with disabilities is also included.
Section A: Introduction and Background

The hard reality is this. Society in every nation is still infected by the ancient assumption that people with disabilities are less than fully human and therefore, are not fully eligible for the opportunities which are available to other people as a matter of right.

Justin Dart, Disability Rights Activist, 1992
1. **SECTION A: INTRODUCTION AND BACKGROUND**

South Africa has made major strides on many fronts since the advent of democracy. In the twenty year period from 1994 to 2014 initiatives to redress past inequalities included the passing of various pieces of legislation, policies, interventions and programmes. These were formulated as a response to discriminatory and other practices in view of the new democratic dispensation. In redressing disability in particular, legislative frameworks were specifically formulated with the aim of addressing equity goals over the medium to long term and also for addressing immediate goals in increasing the number of persons with disabilities with access to government services.

One of the objectives of this disability framework is to ensure that municipalities and local government recognise and accept their vital role in implementing all policies, programmes and projects especially as it relates to the needs of people with disabilities and their families or caregivers, in line with disability-specific indicators. It is true that not all municipalities are at the same level of development in terms of their ability to deliver services and therefore the mainstreaming of disability remains a challenge for some while others are making steady progress.

An earlier baseline study on disability mainstreaming in local government reveals that most local government policy documents give little or no attention to disability concerns, and in rare instances where disability is mentioned, it is expressed in generic terms and as part of the broad categorisation of “designated groups” or "the poor." This finding corroborates those of the Public Service Commission reports published in 2004 and 2007 that indicated that there were still challenges facing the Public Service in deepening disability equity. The baseline study underlined the urgency of developing the local government policy framework on disability. The general principles underlying this framework are aligned with the Constitution of South Africa, the UN Convention on the Rights of Persons with Disabilities and the National Disability Plan and the recently promulgated draft National Disability Rights Policy (NDRP). These underpin the promotion and protection of rights of people with disabilities in all spheres of life. They aim to promote equality through the creation of equal opportunities and the eradication of all forms of discrimination. It is thus imperative to have a disability policy framework that directly speaks to meeting the needs of persons with disabilities.

This Framework therefore is intended to create an enabling environment for municipalities, provincial departments and other role players in the local government sphere to address disability issues. It seeks, amongst others, to provide guidance on the implementation of the National Disability Policy and other policy and legislative instruments that seek to promote the rights and freedoms of people with disabilities within the local government context. It also proposes implementation structures and mechanisms for the coordination of disability issues and monitoring thereof.

Moreover, this Disability Framework advocates for the mainstreaming of disability into the local government agenda. This means that disability issues should be made an integral part of local government conceptualisation of projects, its planning and implementation in line with the broad objectives of the Back to Basics approach to local government service delivery.

In the application and implementation of this Framework, it should always be borne in mind that in some instances special or additional measures/ interventions might be necessary to address the needs of categories of people who are most vulnerable. This includes women with disabilities, children with disabilities and people with disabilities living in rural areas.
1.1 Scope

This Framework was developed for implementation by all municipalities supported by COGTA and provincial COGTAs as well as other government agencies involved with governance and issues of disabilities. It is aligned with a range of development initiatives and programmes of the different line functions in local government. The framework is guided by the pillars of the Back to Basic approach and other applicable legislation and policies. It applies to the local government sphere, particularly provincial government departments, municipalities, traditional leadership and civil society organisations working within local government.

1.2 Background

Many countries are yet to take important steps to eliminate or reduce barriers to full participation by people with disabilities in society. Legislation has in many cases, not been enacted to guarantee people with disabilities the rights to, and opportunities for, schooling, employment, and access to community facilities, to remove cultural and physical barriers and to proscribe discrimination against people with disabilities.

In the past thirty years, many initiatives, programmes, schemes and plans of action have been developed with the aim of improving the lives of people with disabilities. Among these was the Standard Rules for the Equalisation of Opportunities for Persons with Disabilities. Introduced in 1993, the Rules were adopted by all 191 member states of the United Nations in recognition of the fact that people with disabilities had been marginalised and excluded from both the social development and human rights agendas for far too long. It was also in recognition of the fact that the continued marginalisation of this group of individuals represents a far greater loss to society than the cost of implementing equalisation policies.

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. 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.

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 right holders and members of society.”

Until the last few years, any discussion of disability focused either on medical ‘cures’ or, where cures were not forthcoming, on pity and charitable donations. Both these approaches portray the individual with disability as the 'problem'. These approaches are still widespread today. However, South Africa has reached a milestone through the enactment of the Integrated National Disability Strategy (INDS), the National Disability Policy (NDP) followed by the enactment of draft White Paper on the Mainstreaming of the Right of Persons with Disabilities to Equality and Dignity (also referred to as the Draft National Disability Rights Policy (NDRP)) in 2015, which are structured in compliance with the social model. The social model moves from

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the premise that the crux of the problem is emanating from the structures within society itself.

The release of the NDRP for public comment by the Department of Social Development in February 2015, opens a new chapter in the quest to mainstream disability. This document is a first step towards customising the UNCRPD and will inform a major legislative and policy review process across all government departments and municipalities. It will also inform the development of transversal disability rights legislation. Important to note is that the draft NDRP does not propose a policy shift, but that it merely deepens the mainstreaming trajectory for the promotion of the rights of persons with disabilities adopted in 1994.

1.3 Aims

This Framework is intended to provide an enabling environment and guidance on the implementation of disability policies and legislative instruments that seek to promote the rights and freedoms of people with disabilities within the local government context. It also proposes implementation structures and mechanisms for the coordination of disability issues and monitoring.

This Disability Framework sets out to assist role-players in the local government sector to:

- Address the needs of different categories of people with disabilities, informed by the principles and values of equity and equality enshrined in the Constitution;
- Take into account the interests and needs of women, men, children, the elderly and youth with disabilities through the provision of accessible and equitable services;
- Promote and protect the rights of people with disabilities and in the process, empower them to live productive lives;
- Dispel myths and misperceptions about people with disabilities through education and awareness raising campaigns/programmes;
- Implement corrective measures to address discriminatory practices experienced by people with disabilities especially in the employment area, and to ensure their equitable representation in all occupational categories and levels in the workforce;
- Foster and create an environment that is free of barriers in order to maximise access to basic services by people with disabilities;
- Eliminate prejudice and stereotypes towards people with disabilities; and
- Facilitate access to training, resources and development opportunities to people with disabilities.

1.4 Objectives

The objective of the framework is to:

- Advocate for the mainstreaming of disability into the local government. This means that disability issues should inform local government actions in terms of projects, planning and implementation of programmes.
- Ensure that in the application of the policy framework, regard must be given to the need for additional measures/interventions to address the needs of categories of people who are most vulnerable. This includes women with disabilities, children with disabilities and people with disabilities living in rural areas.
Section B: Policy and Legislative Frameworks

To achieve the long-lasting, vastly better development prospects that lie at the heart of the 2015 Millennium Development Goals and beyond, we must empower people living with disabilities and remove the barriers which prevent them participating in their communities; getting a quality education, finding decent work, and having their voices heard.

Dr. Margaret Chan, Director-General, World Health Organization
2. SECTION B: POLICY AND LEGISLATIVE FRAMEWORKS

The Disability Framework for local government derives its mandate from the following international, regional, national and local instruments which advocate the enjoyment of rights by people with disabilities in an equitable manner.

2.1 International and Regional Instruments, Protocols and Declarations

2.1.1 International

In the past few years, great strides have been made towards affirming the position of persons with disabilities and integrating disability issues into the fabric of human rights mechanisms, deeply grounding them in the principles of the United Nations Charter, the Universal Declaration of Human Rights and other human rights instruments, such as the World Programme of Action concerning People with Disabilities and the Standard Rules on Equalisation of Opportunities for People with Disabilities. However, there is still much more to be done to fulfil the commitment of achieving full and effective participation for all persons with disabilities.

There is as yet no wide acceptance of the fact that the principle of equal rights for people with disabilities and the non-disabled implies that the needs of each and every individual are of equal importance. Also, that these 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, for every individual, equal opportunity for participation. Disability policies do not yet ensure the access of people with disabilities to all community services. The United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006, aims 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”. It reflects the major shift in global understanding and responses towards disability.

- **International Labour Organisation (ILO) Convention 159 and Recommendation 178**

  The ILO Convention 159 provides guidelines on the formulation, implementation and periodical review of national policies on vocational rehabilitation and employment of disabled persons. The policies are aimed at ensuring that appropriate vocational rehabilitation measures are made available to all categories of people with disabilities, and at promoting employment opportunities for people with disabilities in the open labour market. However, South Africa is not yet a signatory to this convention.

- **Standard Rules for the Equalisation of Opportunities for Persons with Disabilities**

  Introduced in 1993, these were adopted by all 191 Member States of the United Nations in recognition of the fact that persons with disabilities have been too long marginalised and excluded from both the social development and human rights agendas. The 22 Rules represent a system of ideas, services, guidelines for procedures and measures which, when applied create a society that is welcoming and inclusive of all people, primarily persons with disabilities.

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The rules provide a strong moral and political commitment on behalf of states to take action for the equalisation of opportunities for persons with disabilities. They offer a basis for policymaking and action to persons with disabilities and their organisations. The purpose of the Rules is to ensure that girls, boys, women and men with disabilities, as members of their societies, may exercise the same rights and obligations as others.

The Rules are divided into three broad sections: See illustration below:

### Table 1: Summary of the Standard Rules for the Equalisation of Opportunities for Persons with Disabilities

<table>
<thead>
<tr>
<th>Preconditions for equal participation</th>
<th>Target areas for equal participation</th>
<th>Implementation measures</th>
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</thead>
<tbody>
<tr>
<td>Rule 1 - Awareness raising</td>
<td>Rule 5 - Accessibility</td>
<td>Rule 13 - Information and research</td>
</tr>
<tr>
<td>Rule 2 - Medical care</td>
<td>Rule 6 - Education</td>
<td>Rule 14 - Policy-making and planning</td>
</tr>
<tr>
<td>Rule 3 - Rehabilitation</td>
<td>Rule 7 - Employment</td>
<td>Rule 15 - Legislation</td>
</tr>
<tr>
<td>Rule 4 - Support services</td>
<td>Rule 8 - Income maintenance and social security</td>
<td>Rule 16 - Economic policies</td>
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<td></td>
<td>Rule 9 - Family life and personal integrity</td>
<td>Rule 17 - Coordination of work</td>
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<td>Rule 10 - Culture</td>
<td>Rule 18- Organisations of persons with disabilities</td>
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<td>Rule 11 - Recreation and sports</td>
<td>Rule 19 - Personnel training</td>
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<td></td>
<td>Rule 12 – Religion</td>
<td>Rule 20 - National monitoring and evaluation of disability programmes in the implementation of the rules</td>
</tr>
<tr>
<td></td>
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<td>Rule 21 - Technical and economic cooperation</td>
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<td></td>
<td></td>
<td>Rule 22: International cooperation</td>
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</tbody>
</table>

- **The United Nations Convention on the Rights of Persons with Disabilities**

The Convention on the Rights of Persons with Disabilities was adopted on 13 December 2006. The purpose of this Convention is promoting, protecting and ensuring the full and equal enjoyment of all human rights by persons with disabilities. It articulates principles that are related to the current line of thinking with regard to disability policies and philosophy in South Africa today.

The Convention states that government should:

- Adopt appropriate legislative, administrative and other measures for the implementation of the rights of people with disabilities;
- Take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- Undertake to promote and protect the Human Rights of people with disabilities in all policies and programmes;
- Ensure and promote the development (or minimum possible adaptation) of universally designed goods, services, equipment and facilities to meet the specific needs of people with disabilities.
• Train the line function personnel on the Rights of people with disabilities to better the assistance and services guaranteed by those Rights.

All spheres of government in South Africa must address and implement programmes focusing on children, women, men, youth and elderly people with disabilities according to the contents of this convention.

The CRPD recognises that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. It further articulates the importance of accessibility, within the local government sphere, to the physical, social, economic and cultural environment and to health, education, information and communication, in enabling people with disabilities to fully enjoy all human rights and fundamental freedoms.

Disability is a cross-cutting issue, and as such this framework recognises the responsibility to uphold the ideals expressed in, for example, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Beijing Declaration and Platform for Action, the SADC Protocol on Gender and Development, and World Programme of Action for Youth.

The University of the Western Cape Centre for Disability Law and Policy briefed the Women in the Presidency Committee on South Africa’s compliance on the United Nation’s Convention on the Rights of Persons with Disabilities in 2011. It emerged that, since ratification in 2007, South Africa had not adequately incorporated the Convention into its own legal framework which weakened the effect of the Convention in South Africa. Additionally, it emerged that South Africa had not submitted a report to the United Nations Committee on the Rights of Persons with Disabilities. The Portfolio Committee was provided with key questions to consider when looking at the implementation of the Convention in South Africa.

2.1.2 Regional Initiatives

• The African Decade of Disabled Persons (ADDP) (1999–2009)

This is an initiative of the Organisation of African Unity (OAU) - now, the African Union (AU) to further the equalisation of opportunities for people with disabilities. The goal of the decade is promoting awareness and commitment to full participation, equality and empowerment of persons with disabilities in Africa.

The OAU Resolution identifies the role of states as, amongst others:
• Formulating and implementing national policies and programmes to promote the participation of people with disabilities in economic and social development;
• Establishing and strengthening a national coordinating committee on disability matters, with emphasis on, among other goals, the adequate and effective representation of disabled persons and their organisations as well as their roles therein;
• Provision of assistance, in collaboration with international development agencies and non-governmental organisations to enhance community-based support services for disabled persons and the extension of services to their families;
• Making special efforts to foster positive attitudes towards children and adults with disabilities, and undertaking measures to improve their access to rehabilitation,
education, training and employment, cultural and sports activities and the physical environment.

2.1.3 National Initiatives

Numerous pieces of legislation have been passed while some had been amended to include provisions for people with disabilities. The following are some of the enabling pieces of legislation and policies this framework is drawing its mandate from:

2.1.4 Legislation

- **Labour Relations Act (Act 66 of 1995)**
  Section 187(1)(f) of the Labour Relations Act (LRA) says that: "A dismissal is automatically unfair if the reason for the dismissal is that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility."

- **Constitution of Republic of South Africa (Act 108 of 1996)**
  In terms of Section 9(3) of the Bill of Rights (Chapter 2), the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. The inclusion of disability as grounds for unfair discrimination is emphasised here.

  The state must ensure equality, non-discrimination and protection for people with disabilities. Local government in particular, should not view people with disabilities as objects of pity but as capable individuals who are contributing immensely to the development of society.

- **White Paper for Social Welfare 1997**
  Section 3 deals with people with disabilities and states that “Like all other citizens, people with disabilities have both rights and responsibilities. The departments of welfare will facilitate their active participation in all spheres of social life, as far as this is appropriate, given the nature and extent of the person’s disability.” It also states that people with disabilities have the right to represent themselves in all processes and structures of decision making which affect them.
• National Building Regulations and Building Standards Act (Act No. 103 of 1997)
The disability application of the National Building Regulations is contained in Part S which deals with Facilities for persons with disabilities. This section obliges local government to establish requirements (make provision in the planning and construction of buildings) for external and internal circulation routes, including doors and doorways, ramps, stairways, handrails, lifts, toilet facilities, auditoriums and halls, obstructions in the path of travel, parking and indication of facilities.⁷

• Employment Equity Act (Act No. 55 of 1998)
Section 6 of the Employment Equity Act prohibits unfair discrimination against employees on the grounds of disability or illness. This means that an employer may not discriminate against an employee merely due to the fact that the employee is disabled. In fact, the same Act obliges employers to find ways of recruiting and seeking ways to accommodate people with disabilities.

• Library for the Blind, (Act 91 of 1998)
To provide for the South African Library for the Blind; for library and information services to blind and print-handicapped readers; and for matters connected therewith.

• Skills Development Act (Act No. 97 of 1998)
In Chapter 2 the Act deals with the establishment and functions of the National Skills Authority which acts as an advisory body to the Minister. In this regard it states that NEDLAC may nominate five voting members nominated to represent organisations of community and development interests, which must include a disabled person who represents the interests of people with disabilities.

• National Land Transport Act, (Act 5 of 2009)
Regulation 8(1) of the Act states that the Minister may, after consultation with the MECs, make regulations relating to requirements and time-frames for vehicles and facilities to be made accessible to persons with disabilities, including principles for accommodating such persons in the public transport system.

• Preferential Procurement Policy Framework Act (Act 5 of 2000)
In terms of the framework, an organ of state must determine its preferential procurement policy and implement it to satisfy specific goals which among other include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability.

This Act prohibits unfair discrimination on grounds of disability and states that no person may unfairly discriminate against any person who has a disability. Grounds include obstacles which may unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such person, should be eliminated.

2.1.5 Policies

- **Comprehensive Rural Development Programme (CRDP)**
  The CRDP is meant as an effective response against poverty and food insecurity by maximising the use and management of natural resources to create vibrant, equitable and sustainable rural communities. A CRDP must improve the standards of living and welfare but also correct past injustices through rights-based interventions and address skewed patterns of distribution and ownership of wealth and assets. It should facilitate integrated development and social cohesion through participatory approaches in partnership with all sectors of society including people with disabilities,

- **Presidential Local Government Summit – Back to Basics**
  Back to Basics approach supports a transformation agenda which is premised on the need to ensure functional municipalities as outlined by the Minister of COGTA in his 2014 Budget Vote. It is, informed by the Constitution, legislation and programmes, intended at ushering a new agenda aimed at changing government’s approach and strategic orientation especially at a local level towards serving the people whilst ensuring service delivery.

- **The Code of Good Practice on Employment of Persons with Disabilities**
  People with disabilities experience high unemployment levels and, in the workplace, often remain in low status jobs and earn lower than average remuneration. The Code is intended to help employers and workers understand their rights and obligations, promote certainty and reduce disputes to ensure that people with disabilities can enjoy and exercise their rights at work.

- **Department of Public Works - Disability Policy Guidelines**
  The Disability Policy Guideline is a commitment by the Department of Labour to:
  (a) ensure that Government buildings are accessible and user-friendly to persons with disabilities,
  (b) review, give effect to and recognise disability in the Department’s SCM system, and
  (c) increase the number of persons with disabilities benefiting from the Department’s projects and programmes.

- **Integrated National Disability Strategy (INDS)- White Paper**
  The objectives of the INDS include:
  (a) the facilitation of the integration of disability issues into government developmental strategies, planning and programmes;
  (b) the development of an integrated management system for the coordination of disability planning, implementation and monitoring in the various line functions at all spheres of government;
  (c) the development of capacity building strategies that will enhance Government's ability at all levels to implement recommendations contained in the strategy; and
  (d) a programme of public education and awareness raising aimed at changing fundamental prejudices in South African society.
• **Draft National Disability Rights Policy (2015)**

The National Disability Rights Policy (NDRP) also referred to as the draft White Paper on the Mainstreaming of the Right of Persons with Disabilities to Equality and Dignity has been published for public comment.

Once approved by Cabinet, it will bring the White Paper on an Integrated National Disability Strategy (INDS) in line, and integrate the obligations contained in the UN Convention on the Rights of Persons with Disabilities (UNCRPD) as well as the provisions of the Continental Plan of Action for the African Decade of Persons with Disabilities with South African legislation and policy frameworks and the National Development Plan 2030. The National Disability Rights Policy (NDRP) seeks to deepen the mainstreaming trajectory for the promotion of the rights of persons with disabilities adopted in 1994.

The following table taken from the 20 Year Review document, provides a sense of the legislation and policies that shaped the current discourse on disability over the past 20 years of democracy:

**Table 2: Significant legislation, policies, conventions and guidelines pertaining to people with disabilities in South Africa**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Rehabilitation Policy (2000)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**International Legislation**

- UN Standard Rules for Persons with Disabilities (1994)
- UN Convention on the Rights of the Child (2001)

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9. Source: Chappel & Rule, 2013 as cited in 20 Year Review
2.1.6 The Constitution

The Constitution (Act No. 108 of 1996) is the supreme law of the Republic of South Africa and “the obligations imposed by it must be fulfilled”\(^\text{10}\). The Constitution applies to natural and juristic persons, as well as all law. It binds the legislature, the executive, the judiciary and all organs of state. The Constitution mandates the state to “respect, protect, promote and fulfil the rights of all people in the Bill of Rights”\(^\text{11}\). The Bill of Rights (Chapter 2) specifically prohibits direct and indirect discrimination, by the state or an individual, against anyone on the basis of their disability. By implication, therefore, the denial of any right on the basis of disability, constitutes a constitutional violation of a disabled person’s right.

The Bill of Rights can also be seen as a human rights charter that protects the civil, political and socio-economic rights of all people in South Africa. The rights in the Bill apply to all law, including the common law, and bind all branches of the government, including the national executive, Parliament, the judiciary, provincial governments and municipal councils. Some provisions, such as those prohibiting unfair discrimination, also apply to the actions of private persons.

Section 9 of the Constitution provides for the enactment of national legislation to prevent or prohibit unfair discrimination and to promote the achievement of equality. This implies the advancement, by special legal and other measures, of people with disabilities as a historically disadvantaged group.

The Constitution is the main instrument that guarantees equality and prohibits discrimination on several bases, including disability. Flowing from the constitutional mandate, various pieces of legislation and policies have been developed to promote and protect the enjoyment of rights in areas ranging from employment to social security. Some instruments such as the INDS and the NDP focus particularly on disability issues.

The inclusion of the equality and non-discrimination clause in the Bill of Rights, with discrimination on the basis of disability specifically outlawed, was the first concrete step in entrenching a rights-based approach towards disability in the post 1994 South Africa.

2.2 Policy Frameworks on Disability

The most recent legislative instrument was the publication of the Draft National Disability Rights Policy (NDRP) in February 2015 for public comment.

The NDRP will not replace any sector policies, but provides guidelines for the review of all existing and development of new sector policies, programmes, budgets and reporting systems to bring these in line with both Constitutional and international treaty obligations. It places the responsibility for disability equity with duty bearers, but also allocates responsibilities to rights holders. The vision of the NDRP is aligned to the vision of the NDP – “South Africa, an

\(^{10}\) The Constitution (Act No. 108 of 1996)

\(^{11}\) Ibid
empowered and inclusive society that upholds the rights of persons with disabilities to equality, dignity and self-reliance”.

It commits duty bearers to changing the lives of persons with disabilities by:
- Taking action to ensure that their rights as equal citizens are upheld;
- Removing discriminatory barriers to access and participation;
- Ensuring that universal design access informs the planning, budgeting and service delivery value chain;
- Recognising the right to self-representation;
- Acknowledging that not all persons with disabilities are alike, and that personal circumstances, gender, age, sexuality, cultural backgrounds, geographical location, requires different responses;
- Embedding the obligations contained in the UNCRPD in legislation, policy and service delivery.

The NDRP as such:
- Provides guidelines and norms and standards for the removal of discriminatory barriers through universal design access, including disability-specific measures that perpetuate the exclusion and segregation of persons with disabilities;
- Provides a broad outline of responsibilities and accountabilities of the various stakeholders in ensuring the provision of barrier-free, appropriate, effective, efficient and coordinated service delivery to persons with disabilities;
- Provides guidance for self-representation by persons with disabilities.

2.2.1 Local Government Policy Instruments

Local government legislation and policies seek to ensure equitable access to basic services. The policies mandate provincial and local government departments and municipalities to ensure effective and efficient service delivery to all communities within their jurisdiction, including people with disabilities. They are therefore tasked to prepare plans that meet the requirements of different categories of people in their area of operation.

A clear shift is evident in terms of the local government strategic agenda. The following table illustrates the shift in focus between the Five Year Local Government Strategic Agenda and the Back to Basic Approach:

<table>
<thead>
<tr>
<th>Five Year Local Government Strategic Agenda</th>
<th>Back to Basics approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Municipal transformation and organisational development</td>
<td>• Putting people first</td>
</tr>
<tr>
<td>• Basic service delivery and infrastructure</td>
<td>• Delivering basic services</td>
</tr>
<tr>
<td>• Local economic development</td>
<td>• Good governance</td>
</tr>
<tr>
<td>• Municipal financial viability</td>
<td>• Sound financial management</td>
</tr>
<tr>
<td>• Public participation and good governance</td>
<td>• Building capacity</td>
</tr>
</tbody>
</table>

The following are some of the local government provisions that give impetus to concretising a strategy promoting the interests of people with disabilities.

The White Paper on Local Government identifies the need for municipalities to ensure that all citizens regardless of race, gender or sexual orientation have access to at least a minimum level of services. The paper further states that accessibility is not only about making services available, but also about making services easy and convenient to use. Municipalities are expected to ensure that people with disabilities are able to access municipal services and amenities.

• **Local Government Municipal Systems Act No. 32 of 2000**

Mechanisms, processes and procedures for community participation outlined in the Local Government Municipal Systems Act No. 32 of 2000 require that municipalities take into account the special needs of disadvantaged groups, among them people with disabilities. It also indicates that community members have the right to the use and enjoyment of public facilities and the right to have access to basic services that municipalities provide.
Section C: Situational Analysis

Throughout the ages, the treatment of people with disabilities has brought out some of the very worst aspects of human nature. Too often, those living with disabilities have been seen as objects of embarrassment and, at best, of condescending pity and charity. Societies have even gone out of their way to ensure that persons with disabilities are neither seen nor heard. On paper, they may have enjoyed the same rights as others. In real life, they have often been relegated to the margins and denied the opportunities that others take for granted.

Mr Mark Mulock Brown, UN Deputy Secretary-General
3 SECTION C: SITUATIONAL ANALYSIS

3.1 A Historical Context to Disability in South Africa

Under apartheid, the difficulties experienced by people with disabilities were compounded by the fact that they were living in a deeply divided and unequal society. The inequalities and divisions amongst the people arose from a political, economic and social system that was aimed at denying access to basic rights and ensured that the majority of the population, people with disabilities included, remained in conditions of poverty, with limited opportunities to share in the country's wealth. This meant that the life experiences of black and white people with disabilities under apartheid were very different and reflected the general inequalities between the black and white people in South Africa.

The vast majority of people with disabilities in South Africa were excluded from education, housing, transport, employment, information and community life. They were prevented from exercising fundamental political, economic, social, cultural and development rights. These injustices were reinforced by the inequalities of the apartheid system. Laws supported the cumulative disadvantages and social isolation of people with disabilities. The injustices have been and continue to be perpetuated by attitudes, prejudices and stereotypes that see people with disabilities as dependent and in need of care.

South Africa’s progressive Constitution of 1996 represents the aspirations of the historically disadvantaged and is founded on the values of human dignity, equality and freedom. The Bill of Rights specifically mentions equality and non-discrimination for persons with disabilities, and this is largely due to the organised efforts of people with disabilities in their continuing struggle to end the oppression of people with disabilities.

The disability rights movement in South Africa emerged during the 1980s as part of the broader liberation struggle against apartheid. Disabled People South Africa (DPSA) spearheaded the campaigns to mobilise and organise people with disabilities to resist oppression on the bases of both race and disability. This built a political foundation for the disability rights movement and a strong cadre of disabled activists. The liberation movement spread to include people with disabilities living in the rural and impoverished peri-urban townships of South Africa, and their frustrations, aspirations and ideals.

Fundamental to DPSA’s negotiations with the African National Congress (ANC) during the early 1990s was self-representation - the right of disabled people to speak for themselves. The organisation’s insistence on integration and full participation was allied to the ANC’s objective of nation building.

In November 1997 the government of South Africa adopted the White Paper on an Integrated National Disability Strategy (INDS) which is premised on the social model of disability. The White Paper thus represents a paradigm shift in the conceptualisation of disability from the medical or welfare model of disability. These models viewed disabled people as ill, different from their non-disabled peers, unable to be productive and in need of care. The focus of this model is on limitations of disabled people and their medical needs, resulting in the neglect of their wider social needs which in turn promotes severe isolation of people with disabilities and their exclusion from mainstream society. Consequently, disabled people experience difficulty

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in accessing their fundamental rights and in participating fully and equally in all aspects of life.\textsuperscript{13}

3.2 A Socio-political context to disability in South Africa

According to the INDS\textsuperscript{14}, the majority of people with disabilities in South Africa were excluded from the mainstream of society and has thus been prevented from accessing fundamental social, political and economic rights. The exclusion experienced by people with disabilities and their families is the result of a range of factors, for example:

- the political and economic inequalities of the apartheid system;
- social attitudes which have perpetuated stereotypes of people with disabilities as dependent and in need of care; and
- a discriminatory and weak legislative framework which has sanctioned and reinforced exclusionary barriers.
- The key forms of exclusion responsible for the cumulative disadvantage of people with disabilities are poverty, unemployment and social isolation.

3.2.1 Poverty and Exclusion

Poor people face a greater risk of impairment or disability. In addition, the birth of a disabled child, or the occurrence of disability in a family, often places heavy demands on family morale, thrusting it deeper into poverty. This means not only that there is a higher proportion of people with disabilities amongst the very poor, but also that there is an increase in families living at the poverty level as a result of disability. This phenomenon seriously hinders the development process.

The International Labour Organisation (ILO) and the UN Development Programme (UNDP) state that a key indicator of poverty is the degree to which people are excluded from accessing basic goods and services. Poor people do not have sufficient income to purchase goods. They also live in underdeveloped areas where there is a lack of sanitation, water, electricity, health services, job opportunities and educational and recreational facilities.

3.2.2 Unemployment and Exclusion

People who receive social security benefits in South Africa tend to be totally dependent on these for their survival. An estimated 98% of people with disabilities are excluded from employment on the open labour market. The extremely high levels of unemployment amongst people with disabilities can be attributed to a number of factors:

- low skills levels due to inadequate education;
- discriminatory attitudes and practices by employers;
- past discriminatory and ineffective labour legislation;
- lack of enabling mechanisms to promote employment opportunities;
- inaccessible public transport;
- inaccessible and unsupportive work environments;

\textsuperscript{13} The Office on the Status of Disabled Persons (OSDP), 2000, Situation Analysis of Disability Integration in 18 National Government Departments.

• inadequate and inaccessible provision for vocational rehabilitation and training;
• generally high levels of unemployment;
• inadequate access to information, and
• ignorance in society.

The high level of functional illiteracy amongst disabled adults is a direct result of the lack of educational opportunities for children with disabilities, especially in rural areas. The result is low skills levels and a correspondingly limited access to employment opportunities. As a result, employed people with disabilities often work in sheltered/protective workshops run either by the DSD and DOL, by private welfare organisations, private disability organisations including NPO’s and CBO’s or by people with disabilities themselves. Although the nature and scope of these workshops and self-help projects vary considerably, they do not provide people with disabilities and their families with sustainable incomes or opportunities for competitive economic activity.

3.2.3 Exclusion through Legislation

Legislation has contributed to the social exclusion of people with disabilities. First, legislation failed to protect the rights of people with disabilities and, second, through legislation, barriers are created to prevent people with disabilities from accessing equal opportunities. Although there have, since 1994, been many attempts to identify and eliminate discriminatory legislation from our statute books, the downstream effects of past discriminatory legislation however remain.

3.2.4 Baseline Research on Disability in South Africa

Collecting statistical information on the prevalence of disability in South Africa is a challenge for a number of reasons. Chief among these is that disability issues were viewed within a health and welfare framework which naturally led to a failure to integrate disability into mainstream government statistical processes. Also, the use of different definitions to define “disability”, the different survey techniques to collect information on disability and the negative traditional attitudes towards people with disability add to this lack of reliable information.

Table 2: Persons aged 5 years and older with disability by gender and province, 2013

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Statistics (number in thousands)</th>
<th>Province</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WC</td>
<td>EC</td>
</tr>
<tr>
<td>Male</td>
<td>Number</td>
<td>113</td>
</tr>
<tr>
<td></td>
<td>Per cent</td>
<td>4,3</td>
</tr>
<tr>
<td>Female</td>
<td>Number</td>
<td>137</td>
</tr>
<tr>
<td></td>
<td>Per cent</td>
<td>4,8</td>
</tr>
<tr>
<td>Total</td>
<td>Number</td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>Per cent</td>
<td>4,6</td>
</tr>
<tr>
<td>Subtotal</td>
<td>Number</td>
<td>5 458</td>
</tr>
<tr>
<td>Unspecified</td>
<td>Number</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>Number</td>
<td>5 472</td>
</tr>
<tr>
<td>GHS 2012</td>
<td>Per cent</td>
<td>4,6</td>
</tr>
</tbody>
</table>

Source: Adapted from GHS SA15

In its 1995 October survey, the Central Statistical Services (CSS) or (STATS SA as it is currently known) reported a disability prevalence of approximately 5% in South Africa. The 2011 Census

15 General Household Survey 2013, p.31
data indicates a national disability prevalence rate of 7.5%. The data also reveals that disability is more prevalent among females compared to males (8.3% and 6.5% respectively) This percentage excludes a proportion of the population among other children in the age group 0-4 years, statistics of persons with disabilities in residential care and school boarding facilities and persons with psychosocial, neurological and/or emotional disabilities. Persons with disabilities increase with age. More than half (53.2%) of persons aged 85+ reported having a disability. According to the General Household Survey (GHS) of 2013, the percentage of persons over the age of four years with disabilities increased from 5.6% in 2009 to 6.2% in 2010 before declining to 5.4% in 2013. The GHS also found that in 2013, North West was home to the highest percentage of disabled individuals (8.1%), while the lowest percentage was observed in Gauteng (3.9%).

The prevalence of a specific type of disability shows that 11% of persons aged five years and older had seeing difficulties, 4.2% had cognitive difficulties (remembering/ concentrating), 3.6% had hearing difficulties, and about 2% had communication, self-care and walking difficulties.

Persons with severe disabilities experience difficulty in accessing education and employment opportunities. Households headed by persons with disabilities were found to have less access to basic services compared to households headed by persons without disabilities. There were also disparities in terms of access to assistive devices across population groups and geography.

Based on a sample of the 2011 GHS, of the total of 45,345,000 South Africans aged five years and older who reported some degree of impairment/difficulty with carrying out activities the following were revealed:

- 3,001,000 had sight impairments;
- 840,000 had hearing impairments;
- 1,028,000 experienced difficulty walking;
- 1,107,000 reported challenges remembering and concentrating;
- 1,564,000 reported challenges with self-care; and
- 364,000 experienced difficulties with communication.
- 271,000 made use of spectacles/contact lenses;
- 110,000 used hearing aids;
- 347,000 made use of walking sticks/walking frames;
- 83,000 used wheelchairs; and
- 24,000 used other assistive devices.

In February 2015, COGTA initiated workshops with a sample of municipalities in the provinces of Western Cape, Gauteng and Mpumalanga. The aim of these engagements was to gather information on progress made by municipalities in regard to mainstreaming of disability. The following findings emerged in regard to the key focus areas:

Note : The 2013 GHS data is contradicting the Census Data of 2011
16 General Household Survey, 2013, p.12
17 As cited in Government Gazette, Draft National Disability Rights Policy, 16 February 2015, p.25
### Table 3: Summary of findings on mainstreaming disability at municipal level

<table>
<thead>
<tr>
<th>KEY FOCUS AREAS</th>
<th>FINDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to COGTA Disability Frameworks</td>
<td>It appears that most Municipalities have access to the framework but there are some that did not formally receive it. Others either downloaded it from the web or received it during workshops.</td>
</tr>
<tr>
<td>Other Disability Frameworks</td>
<td>It appears that some of the municipalities have other frameworks. Where these are present and being used, they are informed by national and international guidelines.</td>
</tr>
<tr>
<td>Disability Institutional Frameworks</td>
<td>Institutional frameworks exist in some municipalities where it is either decentralised into various internal departments, transversal structures or part of existing forums. These forums appear to be functional in some and dysfunctional in others.</td>
</tr>
<tr>
<td>Disability Planning Frameworks</td>
<td>No universal planning process or framework is followed by municipalities. Some use existing structures and processes such as the IDP, Strategic plans, budget committees, political office, disability forums, etc. Others have a decentralised or transversal planning process.</td>
</tr>
<tr>
<td>Disability Strategies and Plans</td>
<td>All municipalities appear to have different key performance areas (KPA’s) and plans to mainstream disability. The spectrum ranges from those who do not have any KPA’s related to disability mainstreaming while other have the KPA’s integrated into the municipal planning processes and cycle and municipalities that have an explicit KPA to mainstream disability awareness and issues.</td>
</tr>
<tr>
<td>Disability Performance Monitoring Frameworks</td>
<td>Disability Performance Monitoring Frameworks are either included with properly defined indictors and a reporting mechanism in place or non-existent.</td>
</tr>
<tr>
<td>Performance Evaluation</td>
<td>Performance evaluation is done inconsistently as it is performed by some and not by other municipalities. Measures to enforce compliance with legislation and targets are generally weak with some reporting on specific indicators.</td>
</tr>
<tr>
<td>Monitoring and Support SWOT Analysis</td>
<td>Monitoring and support is inconsistent and mainly in the form of Provincial oversight and support. Monitoring In some municipalities is part of the performance management system of the municipality. The SWOT analysis done my municipalities indicate that the <strong>Strengths</strong> are mainly centred on multi-sectoral approaches, strategies that are already in place, Provincial and SALGA guidance and assistance, networking, etc. <strong>Threats</strong> include unfunded mandates/budget constraints, apathy, cultural barriers, political instability, unemployment among and lack of employment opportunities for people with disabilities, etc. <strong>Weaknesses</strong> include limited or lack of resources, remote distances in rural areas, lack of coordination and buy-in into existing strategies, strategies and plans are too general in nature, etc. <strong>Opportunities</strong> centres around centralised coordination committee or structure, improved reporting, training, collaboration with stakeholders, etc.</td>
</tr>
<tr>
<td>Way Forward</td>
<td>The gaps that municipalities identified that need to be addressed as a way forward include employment opportunities for people with disabilities, dedicated national and provincial funding, establishment of disability desks to monitor and report on mainstreaming, improved accountability structures.</td>
</tr>
</tbody>
</table>
3.3 Overview of Challenges and Achievements over the past 5 years

3.3.1 Challenges

The broader South African municipal landscape is an appropriate point of departure to determine why issues related to disability are not sufficiently and successfully mainstreamed. The Auditor General’s report on municipalities paints a stark picture of the challenges that municipalities face. In this regard, the audit results for the 2012-2013 financial year indicate that out of the 319 audits completed, only 22 municipalities and eight municipal entities achieved clean audits. The report goes on to state that in 90% of cases there were instances where those audited had not complied with laws or regulations. These often relate to the area of supply chain management where irregular expenditure due to the lack of basic controls and inadequate implementation of appropriate consequences were found to be the main reasons.

In a recent workshop report released by SALGA\(^\text{19}\) on the progress made with the implementation of the disability framework for local government attended by municipal representatives, the overall opinion of delegates was that most municipalities are not meeting the targets set in the disability framework.

Possible reasons cited include the following:

- A lack of political commitment and the will to mainstream disability issues;
- A lack of dedicated resources and budget;
- A lack of monitoring and enforcement of the framework;
- Staff at the municipalities is not capacitated to deal with the issues arising; or
- Special programme units have too many other obligations as disability constitutes only one small component of their portfolio.

The report further states that: “From the workshop discussion it became apparent that many municipalities will not have complied with the set targets by the 2014 strategy end date. The original problem issues for which the framework was developed remain fundamentally the same. Some exceptions do exist\(^\text{20}\).”

3.3.2 Critical Issues for Disability at Local Government Level

COGTA conducted baseline studies to determine the status of service delivery to people with disabilities and the compliance with disability-relevant legislation in municipalities. The studies were done with reference to international disability instruments as well as national legislation. In short the following findings emerged:

- Knowledge on disability is very fragmented within municipalities;
- Disability issues are addressed as a matter of compliance and not as one of inclusivity;
- The employment target for people with disabilities of 2% is not reached;
- There is a lack of participation by persons with disabilities in various community forums and structures;
- There is a lack of capacity and resources to provide reasonable accommodation; and

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\(^{20}\) Ibid, p.3
Ineffective communication about service delivery to and from citizens with disabilities exists.

The SALGA report further indicates that if reasonable accommodation of disability is measured against the five KPA’s of municipalities, the problems tend to persist. In short, the following was found:

Table 4: SALGA Workshop Findings

<table>
<thead>
<tr>
<th>#</th>
<th>Key Performance Area (KPA)</th>
<th>Findings</th>
</tr>
</thead>
</table>
| 1 | Municipal transformation and organisational development | - Disability Units/Disability officers of Special Programme Units are not represented on internal Employment Equity Forums.  
- Some Municipalities still don’t have a Disability Unit or designated officer in place.  
- Disability equity awareness and advocacy campaigns within the workforce are inadequate.  
- Municipalities are not meeting the 2% employment target set by Government. Should be held accountable for the failure to achieve the numerical target.  
- Municipal Managers should champion disability equity issues within municipal administration and operations. However, disability mainstreaming is not reflected in all Municipal Managers’ performance contracts.  
- An ad hoc and piece meal approach is followed by Departments to deal with disability issues. Implementation of disability mainstreaming is incidental notwithstanding the disability framework being in place.  
- Representative groups of employees with disabilities are not in place or fully functional in the workplace. |
| 2 | Basic service delivery and infrastructure | - Indigent database forms are not accessible and do not specify the type of disability an applicant has.  
- No database of vulnerable groups specifically people with disabilities exists and therefore provision of services to this group is a challenge.  
- Targets are there but no implementation due to limited budgets and limited number of projects.  
- Service delivery gaps identified include the following:  
  - Centralised water points are still inaccessible;  
  - Electricity meter boxes are inaccessible in that not pitched at the level of wheelchair users and blind people can’t read it.  
  - Toilets are still not accessible  
  - Other community services are not accessible e.g. municipal statements, municipal buildings, recreational facilities, municipal roads and housing.  
  - Communication methods are inaccessible and disability unfriendly.  
  - Universal design principles should be included |

upfront in any new design and infra-structure developments being put in place.

<table>
<thead>
<tr>
<th></th>
<th>Local economic development</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• LED managers at municipalities were not performing in relation to mainstreaming disability into their initiatives.</td>
</tr>
<tr>
<td></td>
<td>• BBBEE Procurement Policies were seen rather as a barrier that did not contribute much to the plight of persons with disabilities.</td>
</tr>
<tr>
<td></td>
<td>• A review of Supply Chain Management (SCM) policies to cater for persons with disabilities was required.</td>
</tr>
<tr>
<td></td>
<td>• Persons with disabilities do not appear on the LED registration database and such should be encouraged.</td>
</tr>
<tr>
<td></td>
<td>• Training programmes to capacitate the disabled sector were limited, although some municipalities felt that they were making progress in this area.</td>
</tr>
<tr>
<td></td>
<td>• Persons with disabilities are generally not included or targeted for participation in LED projects.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th></th>
<th>Municipal financial viability</th>
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<tbody>
<tr>
<td></td>
<td>• The disability framework has already been included into Municipal Plans after it was launched in March 2009:</td>
</tr>
<tr>
<td></td>
<td>▪ Municipalities do mobilise resources that are linked to IDP objectives as a priority.</td>
</tr>
<tr>
<td></td>
<td>▪ Insufficient budget allocations.</td>
</tr>
<tr>
<td></td>
<td>▪ Budgets for mainstreaming should be allocated to the MM’s office where it has an operational focus.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th></th>
<th>Public participation and good governance</th>
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<tbody>
<tr>
<td></td>
<td>• External Disability Forums were in the majority of cases not functional.</td>
</tr>
<tr>
<td></td>
<td>• Persons responsible to establish, sustain and manage such Forums typically also have other portfolios thus paying insufficient attention to managing these Forums.</td>
</tr>
<tr>
<td></td>
<td>• The participation of people with disabilities in ward committees and other forums were minimal.</td>
</tr>
<tr>
<td></td>
<td>• No database of DPOs and NGOs who can be approached to participate exists.</td>
</tr>
<tr>
<td></td>
<td>• Inaccessible municipal buildings and infra-structure impact on the ability of persons with disabilities to participate.</td>
</tr>
<tr>
<td></td>
<td>• Organisations representing people with disabilities for lobbying and advocacy are not visible in the forums/structures.</td>
</tr>
<tr>
<td></td>
<td>• Lack of accurate information to determine the number of people with disabilities currently serving in the municipalities and if assistive devices and accessible consultation venues and material are available.</td>
</tr>
<tr>
<td></td>
<td>• No formal evaluation tool is in place to ensure transparency and accountability for disability inclusion.</td>
</tr>
</tbody>
</table>

It appears as if municipalities require further guidance, practical support, skills training and advocacy interventions to support their achievement of the internal mainstreaming objectives and execute their responsibilities in terms of this framework. Disability equity workplace strategic plans must be formulated and implemented. The issue of budget limitations seems
to contribute to the inability of municipalities to deliver on their service delivery mandates and the ring-fencing of funds to address mainstreaming initiatives must be considered. The lack of progress in achieving the objectives of this framework is attributable to among other, a lack of political will, a lack of skills and/or a lack of budget.
Section D: Local Government and Disability

"Representative organisations of persons with disabilities should represent their constituencies in the development and review of all laws, policies, projects and services which impact on the lives of persons with disabilities."

Draft National Disability Rights Policy
4 SECTION D: LOCAL GOVERNMENT AND DISABILITY

4.1 Local Government and Disability - the Policy Context

South Africa, a country with a total population of 50.6 million people, has approximately 8% persons with disabilities as reported during the census conducted in 2011. In terms of the countries development in the next 15 years, the National Planning Commission (NPC), released the National Development Plan - Vision for 2030 and passed it through Parliament in August 2012. Alarmingly, the NDP’s Vision for 2030 is silent about disability – with disability reportedly being lumped into the so-called “vulnerable groups”. This is a serious concern for the disability sector in that history has proven that nothing unplanned ends up implemented. Also, broad inclusion of disability in vulnerable groups dilutes the significance of the impact of the actual disability on those affected. The silence also promotes a lack of recognition of the unique needs and requirements of people with disability. For example, structural developments do not end up with wheelchair ramps if the ramps were not part of an architectural development plan passed by the Town Planning division in a local municipality.

By virtue of its proximity to the citizens it serves, local government is the sphere of government that is best placed to ensure effective implementation of disability legislation, programmes and initiatives.

4.2 Outcome 9: Responsive, accountable, effective and efficient developmental local government system

The National Development Plan 2030 envisages that by 2030, South Africa will be a state that is capable of playing a developmental and transformative role. In broad terms such a state intervenes to support and guide development in such a way that benefits accrues across society, with particular emphasis on the poor. Drawing from the NDP chapter on a Capable and Developmental State, by 2030 South Africa will have a developmental state that is accountable, focused on citizen’s priorities, and capable of delivering high-quality services consistently and sustainably through cooperative governance and participatory democracy.

As depicted in the White Paper on Local Government, developmental local government is “local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives”. In this scenario, local government:

- is at the forefront of participatory democracy,
- involving citizens in meaningful deliberations regarding governance and development;
- is responsive to citizens’ priorities, and enjoys high levels of trust and credibility amongst the public;
- whose employees are skilled, competent and committed to delivering quality services;
- is able to cost-effectively increase the quantity and quality of services and operates within a supportive and empowering intergovernmental system.

The NDP however, cautions that such a developmental state cannot materialise by decree, nor can it be legislated or waved into existence by declarations. It has to be consciously built and sustained. Local government is at the centre of development, and to achieve the
aspiration of a transformed and effective local government system will require strong leadership through a clear and consistent, long-term strategy. That being said, what is the impact of all this on the issue of disability?

According to the Employment Equity Report (2013/2014)22 people with disabilities accounted for 50 867 or 0.9% (total disability/total workforce) of the total number of employees (5 593 326) reported by all employers in 2013. The Commission reported a decrease in the representation of people with disabilities at this level by 0.4% from 1.3% in 2003 to 0.9% in 2013 and concluded that South Africa is far from reaching the target that the government has set for the public service of 2% representation for people with disabilities by 2015.

A crucial aspect in ensuring sustained representation of people with disabilities in the workforce is the removal of barriers such as widespread ignorance, fear and stereotypes that are often cited as underlying causes for people with disabilities being unfairly discriminated against in society and in employment. The local government sphere should maintain an environment that supports people with disabilities and enables them to fulfill their maximum potential. This environment must ensure that people with disabilities are not discriminated against and are provided with equal access to opportunities. Proposed actions to employ and reasonably accommodate people with disabilities must be implemented in order to comply with labour laws and other public service transformation policies.

4.3 Role of Local Government in Disability

The role of “local” government in disability cannot be emphasised enough. The ultimate responsibility for achieving the aims and objective of mainstreaming disability rests with municipalities themselves. In fact, to frame an old cliché, the buck stops with them. It is therefore important that the priorities contained in this framework inform the development of municipal Integrated Development Plans (IDPs) taking into consideration and through consultation, the needs of people with disability. More generally, it is important that all municipalities, despite the lack of resources, factor the requirements of this framework into their short to medium plans.

At a practical level, municipalities need to (if they have not already done so) introduce measures to address a number of issues in the execution of their legislative mandate. Meaningful employment and accommodation of people with disabilities should be prioritised at the municipal level.

- Reasonable Accommodation/Inclusiveness

Reasonable accommodation is a human right for all persons with disabilities and a requirement for the essential function of a job. It refers to the necessary and appropriate modification and adjustments of the work environment to remove a disproportionate or undue burden on persons with disabilities and to ensure the enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms (Convention on the Rights of Persons with Disabilities, 2007). It applies to applicants and employees with disabilities and may be required during the recruitment and selection processes, in the work environment, in the way work is usually done, evaluated and rewarded and in the benefits and privileges of employment. This means that municipalities as employers should not discriminate against people with disabilities who apply for jobs. They should take all

reasonable steps to ensure that a supportive work environment is created to enable people with disabilities to perform their duties and to realise their potential, and they should ensure that people with disabilities receive all benefits due to them.

The aim of reasonable accommodation is to reduce the impact of the impairment on the person's capacity to fulfil the essential functions of a job. The particular accommodation will depend on the individual, the impairment and its effect on the person, as well as on the job and the work environment. COGTA together with municipalities should arrange for the development and provision of facilities, including devices, equipment, programmes and training to assist people with disabilities to increase their level of independence and efficiency in the performance of their duties. To this end, the following criteria will serve as a guideline when assisting aids are to be procured for employees with disabilities:

- The impairment should be substantially limiting, with overt symptoms;
- The absence of reasonable accommodation would make the employee either totally or partially unable to perform the inherent requirements (essential functions) of the job;
- The principles of reasonable accommodation as provided for in the Employment Equity Act should be applied;
- Facilities used by employees should be readily accessible for use by individuals with disabilities;
- Buildings should be barrier free and have an accessible entrance into the facility;
- Rest rooms should be accessible and have fitted rails for physically impaired individuals; and
- Any other necessary measures, e.g. Braille in lifts, warning lights for deaf people in case of emergency, etc. should be provided.

When providing reasonable accommodation, COGTA and municipalities should consult employees with disabilities. Technical experts may be sourced to establish appropriate mechanisms to accommodate the employee. Below are some examples of reasonable accommodation measures per classification of a particular disability:

**Hearing impairment:**
- Sign language interpreter (or staff training on sign language)
- Teletypewriter (including on the switchboard )
- Visual props on display or written communication

**Visual impairment:**
- Braille machine to produce Braille documents
- "Talking" voice and visual augmentation device
- Large-screen computer display

**Mobility impairment:**
- Accessible ramps
- Accessible office furniture
- Suitable designated parking

**Intellectual and Psychological Disability:**
- Allowing adequate time for completion of tasks
- Job coaching and mentoring
All buildings should comply with the SABS approved National Building Regulations. Further, the Human Resource Department dealing with recruitment and interview panels should be orientated and sensitised around disability issues and etiquette.

**Table 5: Reasonable accommodation to be applied to interviews**

<table>
<thead>
<tr>
<th>DISABILITY INSTRUMENTS</th>
<th>THE KEY ASPECTS TO CONSIDER IN RECRUITMENT PRACTICES ARE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Job Access Strategy advocates for the employability of more people with disabilities into jobs and the creation of opportunity in the workplace.</td>
<td>• Members of selection panels have an understanding of issues relating to equality and diversity in recruitment and selection.</td>
</tr>
<tr>
<td>The Disability Policy Framework proposes the promotion of employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment.</td>
<td>• Members of selection panels should attend refresher training at regular intervals to eliminate stereotyping and subjective prejudice against people with disabilities.</td>
</tr>
<tr>
<td>• Organisations that represent the interests of people with disabilities should be utilised to recruit people with disabilities.</td>
<td>• The principles of recruitment on the basis of 'minimum requirements' and 'potential' should be specified. The provision of Individual Development Plans supporting accelerated skills development should be specified as an integral component of the recruitment process.</td>
</tr>
</tbody>
</table>

In addition to these measures, **Human Resource Departments (HRDs)** should ensure that:

- Job descriptions, person specifications and recruitment advertisements are drafted so that they do not unjustifiably dissuade disabled applicants. Reasonable adjustments to job descriptions and person specifications are considered to accommodate the needs of disabled persons;
- In order to give people with disabilities a fair chance to compete for jobs, the local government entities may send job advertisements to national organisations that represent the interests of people with disabilities (Such bodies will then distribute the advertisement to their members and/or affiliate organisations). A database of job seekers with disabilities should be developed and maintained;
- Application processes and the medium of communication are accessible to people with disabilities;
- Advertisements and staff sourcing methodology are accessible to people with disabilities;
- Language and processes are non-discriminatory and supportive of equalisation of opportunities for all; and
- Candidates are encouraged to state in advance any special arrangements they may require in order to attend interviews, which will facilitate the process of reasonably accommodating candidates for an effective interview.

**When recruiting, the HR Department should:**

- Identify the inherent requirements and essential functions of the vacant position (the inherent requirements of the job are the purpose for which the job exists; the essential functions and duties of the job is what is necessary to get the job done);
- Describe clearly the necessary skills and capabilities for the job;
• Set reasonable criteria for selection, preferably in writing, for job applicants for vacant positions; and
• See to it that application forms focus on identifying an applicant's ability to perform the essential functions of the job.

The following are some further examples of reasonable accommodation that may apply when interviewing applicants with various types of disabilities:

Table 6: Reasonable accommodation to be applied to interviews

<table>
<thead>
<tr>
<th>TYPE OF DISABILITY</th>
<th>POSSIBLE REASONABLE ACCOMMODATION/INCLUSIVENESS REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical disability</td>
<td>Buildings that are more than one storey high should have a lift. Buildings that have stairs should have ramps to accommodate the needs of people with mobility impairments. Accessible toilet facilities should be close to the interview venue. In the case of older buildings where there are no lifts, interviews should be on the ground floor.</td>
</tr>
<tr>
<td>Hearing impairment</td>
<td>The interview panellists should address the deaf interviewee and not the interpreter, including eye contact.</td>
</tr>
<tr>
<td>Total loss of sight</td>
<td>The interview panellists should not engage in non-verbal gestures or whispers.</td>
</tr>
<tr>
<td>Partially sighted</td>
<td>The interviewer should enquire as to the degree of lighting needed by the interviewee during the interview.</td>
</tr>
<tr>
<td>Intellectual disability</td>
<td>Interviews could be conducted on a one-to-one basis, as opposed to a panel of interviewers. Interview questions should be kept short and simple. Interviewers should exercise patience.</td>
</tr>
</tbody>
</table>

In selection of candidates:
• COGTA and municipalities should apply the same criteria to ascertain the ability of people with disabilities as are applied to other applicants, although it may be necessary to adapt the criteria in order to accommodate applicants who have disabilities;
• The purpose of the selection process should be to assess whether or not an applicant meets the requirements for the post. COGTA and municipalities should not request information about actual or perceived disability from a previous employer or third party;
• The employer should review the selection criteria on a regular basis to ensure that inappropriate barriers to people with disabilities are removed;
• Selection interviews should be sensitive, objective and not biased against people with disabilities. Interviewers must avoid making negative assumptions about people with disabilities;
• If an applicant has disclosed a disability or has a self-evident disability, the employer should focus on the applicant's qualifications for the work rather than any actual or presumed disability, but may inquire and assess whether the applicant would, apart from the disability, be suitably qualified;
• Interviewers should ask all applicants to indicate how they would accomplish the inherent requirements of the job and perform its essential functions, and if any accommodation would be required in view of the disability; and
• COGTA and municipalities should take action to raise the awareness of all employers and employees about issues of disability and ensure that key personnel are fully
informed and know about their responsibility to make sure unfair discrimination does not occur.

Representation

The White Paper on the Transformation of the Public Service (1995) proposed 2% representation of people with disabilities in the workforce. The proposal was reinforced by the White Paper on the Transformation of the Public Service recommendation of the minimum national target of 2% representation of people with disabilities in the workplace. It suggested the 2% target as a baseline on which spheres of government should aim to improve. Consistent with the proposals, COGTA and municipalities should ensure that staff positions, including middle and senior management, are allocated to qualified people with disabilities by December 2009 to comply with legislation. The following measures should be considered:

- At least 2% of staff positions, including middle and senior management, allocated to people with disabilities, with adequate provision for reasonable accommodation, all-round accessibility and skill enhancement opportunities;
- The representation should reflect gender equity and should also reflect representation across all employment categories;
- Special measures, not precluding the application of affirmative action, to be introduced to promote the representivity of people with disabilities in highly technical and specialised employment categories (e.g. engineering) of the municipal staff complement;
- Councilors and members of local government structures must monitor and play an oversight role on disability components in mainstream legislation;
- Active measures are to be taken by political parties to ensure the representation of people with disabilities.
- SALGA should play a central role in the mobilisation and advocacy for the representation of disabled councilors with capacity to provide training in the monitoring of disability indicators to local government councilors; and
- In line with the Cabinet's target of 50% for women in management positions, local government must ensure inclusion of women with disabilities within this target.

Capacity-building

Capacity-building/training and development programmes should be implemented within the parameters of the National Capacity Building Framework for Local Government and include the following:

- The training of personnel involved in HR in managing disability throughout the employment cycle. This will build their confidence in dealing with issues of disability, while they will be complying with legal requirements and maintaining best human resource practice;
- Strategies for local government employers to meet the 4% target set in the National Skills Development Strategy. In order to meet this target, they should consider recruiting disabled interns, and providing bursaries and other training opportunities;
- Workers who become disabled during employment should be, where reasonably possible, re-integrated into the workforce. If necessary, employers should explore the possibility of offering alternative work, reduced work or flexible work placement, so that such workers are not compelled or encouraged to terminate their employment;
- Consultation with employees with disabilities in order to advance their skills and experience;
• Consideration of training venues, whether on site or off site, that are in locations that are accessible and with sign language interpreters, if needed;
• Availability of training materials in Braille, large print, audiocassette or disk, if needed; and
• Consideration for mentoring or job coaching as a possible training accommodation for employees with disabilities to enhance their effectiveness in the workplace

Disability awareness

Awareness and skills training on disability issues should be conducted in all municipalities, with the objective of establishing disability-confident and disability-competent municipalities. The local government sphere should implement the following recommendations:

• Provide training to managers, staff and councilors on disability issues;
• Sensitise staff at local government level with a specific focus on service delivery to people with disabilities;
• Develop simple tailor-made guidelines on how to mainstream disability and implement change to ensure equal access;
• Provide training/enrolment for the Vocational Equity and Disability Qualification;
• Improve communication, ensure the Izimbizo Programme includes disability and address disability concerns and deepen social mobilisation;
• Implement regular question-and-answer sessions between people with disabilities and designated staff from the municipality;
• Communicate in a format that is accessible to persons with sensory needs;
• Encourage and facilitate participation of people with disabilities in local government structures;
• Provide support mechanisms to ensure accessible transport to and from consultation venues;
• Encourage the forming of partnerships with DPOs to ensure understanding of disability;
• Implement workshops for municipal consultation and decision-making processes with persons from vulnerable groups.

4.4 Basic Service Delivery and Infrastructure Provisioning

The Municipal Systems Act No 32 of 2000 mandates municipalities to deliver basic services to local communities within their jurisdiction to ensure acceptable and reasonable quality of life which, if not provided, would endanger public health, safety and the environment. Demand for a disability-inclusive approach is growing steadily, posing a challenge to local government to act in order to achieve government priorities such as Vision 2030 for South Africa and the implementation of the National Development Plan.

This key performance area is positioned to enable local government to address basic service delivery needs of people with disabilities. Emphasis should be focused on ensuring universal accessibility of basic services such as water, sanitation, electricity and housing. Proximity of water collection points, and the dimensions of houses provided and their implications for people with disabilities should be considered.

Local government has the necessary tools, such as the Municipal Infrastructure Grant (MIG) and Integrated Rural Sustainable Development Programme (IRSDP), to ensure the
mainstreaming of disability in service delivery and development. Efforts have to be made to include disability mainstreaming from the conceptual stage of projects; budgeting, planning and up to the implementation and evaluation stages. In the financial year 2013/14 the MIG Grant was R14.3 billion. Consideration should be given to how the grant could benefit people with disabilities.

Below are examples of aspects when planning infrastructure development:

Table 2: Aspects to consider for Infrastructure Planning

<table>
<thead>
<tr>
<th>IMPAIRMENT</th>
<th>CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobility impairment</td>
<td>Provision of enough space to manoeuvre a wheelchair in houses. Widening and clear marking of disability parking.</td>
</tr>
<tr>
<td>Visual impairment</td>
<td>Dropped curbs to footpaths as cues. Bright handrails on stairs and ramps. Trimming of hedges and trees to prevent their encroaching on footpaths.</td>
</tr>
<tr>
<td></td>
<td>Marking buttons in lifts with raised numbers and Braille. Installing voice synthesizers in lifts to indicate the floor and when the door is opening and closing.</td>
</tr>
<tr>
<td>Hearing impairment</td>
<td>Provision of emergency call buttons in lifts with an acknowledgement light adjoining them. Provision of flashing light for fire evacuation signal and alarm system.</td>
</tr>
<tr>
<td></td>
<td>Provision of good lighting for lip reading.</td>
</tr>
</tbody>
</table>

Local government bodies should comply with the Occupational Health and Safety Regulations and National Building Regulations when they plan and implement services.

4.5 Local Economic Development (LED)

People with disabilities struggle to get employment because of, among other factors, inadequate skills, and at times they are hindered by the attitudes of employers and their reluctance to provide reasonable accommodation for their disability. In the face of this challenge, people with disabilities frequently opt to pursue self-employment as a way of reducing poverty and unemployment.

Specialised workshops, networking opportunities, individual support and guidance for aspiring business owners and also those with existing businesses should be facilitated in order to empower the disabled. Such sessions can promote sharing of best practices and discussions on business issues, and can also serve as a forum to encourage mutual support between up-and-coming and more established entrepreneurs.

Procurement policies should be facilitated to accommodate people with disabilities. Preferential procurement methods could afford entrepreneurs with disabilities the opportunity to render services. In addition, the criteria for awarding tenders to companies who are rendering services to municipalities should include a clause on employment of a percentage of people with disabilities.

A database of disabled entrepreneurs should be developed for easy access and speedy delivery. There should also be a facilitation of Small, Micro and Medium Enterprises (SMMEs) to be mentored by bigger companies.
4.6 Municipal Financial Viability

The financial viability of a municipality refers to its stability, its ability to generate revenue and the strength of its financial resources to deliver on its mandate. The responsibility for ensuring the financial balance of the municipality lies in the hands of the municipality itself and the community it serves.

Communities that have a large proportion of residents gainfully employed are often in a better position to contribute to the development of local economies. Therefore, investing in developing the capacity of every member of the community, including those with disabilities, is an investment in the economic development of that particular community and consequently in the financial viability of the respective municipality.

This key performance area positions COGTA and municipalities to evaluate their financial capacity to service their communities.

The mainstreaming of disability issues in provincial and municipal development is a step towards achieving financial viability of municipalities. Consideration should also be given to factors such as poverty, unemployment and HIV/AIDS that may pose a challenge to the financial viability of municipalities. These factors result in many families falling into the “indigent category” and the municipality bearing the primary responsibility for their basic needs. To that end, municipal revenues and grants are used to address the needs of indigents.

Empowering people with disabilities reduces the number of families on the Indigent Register, and promotes the independence and financial freedom of the community. As a result, people with disabilities who benefit would be in a position to pay their taxes and rates, which would afford the municipality opportunities to attract private investors and further enhance the municipality's financial viability.

4.7 Public Participation and Good Governance

Participation means being actively engaged in community life and achieving a sense of belonging to the community. However, the right to participate in society is not enjoyed by all. On a daily basis, people with disabilities are faced with barriers which effectively exclude them from participating as equal citizens.

Ward committees are examples of structures that represent communities and submit community recommendations to the council. Thus, a fair representation of all categories of people in ward committees is necessary to ensure inclusion of specific recommendations of all categories in council decisions and implementation.

The key performance area Public Participation and Good Governance provides local government with an opportunity to involve people with disabilities in the municipal agenda in line with the disability motto “Nothing about us without us”, which refers to the fundamental principle of participation that recognises the potential of people with disabilities to make their own decisions and choices. The motto has been used by Disabled People's Organisations (DPOs) for many years as part of the global movement to achieve the full participation and equalisation of opportunities for, by and with people with disabilities.
The motto has been affirmed by the UN Convention on the Rights of Persons with Disabilities, which advocates participation and representation of people with disabilities in all engagements and at all levels.

Local government has the responsibility for ensuring participation of people with disabilities in local government forums, committees and IDP sessions to facilitate greater inclusion and for the realisation of a society based on equal rights. Ensuring accessibility to buildings where community meetings are held and the sharing of information in an accessible manner, including in Braille and sign language, will be a means towards creating a barrier-free society.

4.8 Overview of challenges and achievements for Disability in Local Government

COGTA did a review of South Africa’s 278 municipalities, which revealed that we still have a journey to reach the ideal municipality we envisage. The top third municipalities have got the basics right and are performing their functions at least adequately. Within this group, there are a small group of top performers that are doing extremely well. In these municipalities there are innovative practices to ensure sustainability and resilience. This small core represents the desired (ideal) state for all our municipalities.

The middle third of municipalities are fairly functional, and overall performance is average. While the basics are mostly in place and the municipalities can deliver on the main functions of local government, we also find some areas of poor performance or decline that are worrying signs.

The bottom third of municipalities are frankly dysfunctional, and significant work is required to get them to function properly. Among others we find endemic corruption, councils which don’t function, no structured community engagement, and poor financial management leading to continuous negative audit outcomes. There is a poor record of service delivery, and functions such as fixing potholes, collecting refuse, maintaining public places or fixing street lights are not performed. While most of the necessary resources to render the functions or maintain the systems are available, the basic mechanisms to perform these functions are often not in place. It is in these municipalities that we are failing our people dramatically, and where we need to be intervening urgently in order to correct the decay in the system.

Institutional incapacity and widespread poverty have undermined the sustainability of the local government project, leading in some instances to a serious breakdown in services. Some of the problems we face are:

- A collapse in core municipal infrastructure services in some communities, resulting in services either not being provided at all, or provided at unacceptably low levels;
- Slow or inadequate responses to service delivery challenges are in turn linked to the breakdown of trust in the institutions and councilors by communities;
- Social distance by our public representatives is a major cause for concern. This reflects inadequate public participation and poorly functioning ward councilors and committees;
- The viability of certain municipalities is a key concern. The low rate of collection of revenue continues to undermine the ability of municipalities to deliver services to communities;
- Municipalities also need to be driven by appropriately skilled personnel and their correct placement, and there are for too many instances both of inappropriate placements and skills not measuring up to requirements; and
• Widespread instances of rent seeking and corruption amongst public representatives and business, reflecting a broader breakdown in the values and good governance principles that should be guiding the people we have elected or appointed to run the local government system and those that do business with government.
Section E: Strategic Framework for Disability in Local Government

"Among the yardsticks by which to measure a society’s respect for human rights, to evaluate the level of its maturity and its generosity of spirit, is by looking at the status that it accords to those members of society who are most vulnerable, disabled people, the senior citizens and its children."

T.M. Mbeki
5 SECTION E: STRATEGIC FRAMEWORK FOR DISABILITY IN LOCAL GOVERNMENT

5.1 Emerging Policy and Strategic Context

In the years concluding the second decade of democracy, a number of key policy instruments have been promulgated. These are all strategic interventions in the quest to ensure overall improvement, improved service delivery and mainstreaming of disability in all segments of the South African society. These policy instruments take into cognisance the progress made but also highlights the challenges still to be addressed. The following section will provide an overview of these emerging policy instruments with the focus of local government:

5.1.1 Back to Basics 23

The Back to Basic approach is a COGTA policy initiative that aims to bolster local government performance and is centred on five key challenges to address namely:

Table 7: Back to Basic approach and priority focus

<table>
<thead>
<tr>
<th>APPROACH</th>
<th>PRIORITY/FOCUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putting people first</td>
<td>The essence of the approach is to put people and their concerns first and ensure constant contact with communities through effective public participation platforms.</td>
</tr>
<tr>
<td>Delivering basic services</td>
<td>To create conditions for decent living by consistently delivering municipal services to the right quality and standard. Including planning for and delivery of infrastructure and amenities, maintenance and upkeep, including the budgeting to do this. Ensuring no failures in services and restoring services where failures occur, with urgency.</td>
</tr>
<tr>
<td>Good governance</td>
<td>Be well governed and demonstrate good governance and administration - cut wastage, spend public funds prudently, hire competent staff, ensure transparency and accountability.</td>
</tr>
<tr>
<td>Sound financial management</td>
<td>Ensure sound financial management and accounting, and prudently manage resources so as to sustainably deliver services and bring development to communities.</td>
</tr>
<tr>
<td>Building capacity</td>
<td>Build and maintain sound institutional and administrative capabilities, administered and managed by dedicated and skilled personnel at all levels.</td>
</tr>
</tbody>
</table>

5.1.2 National Development Plan

The National Development Plan is a plan for the country to eliminate poverty and reduce inequality by 2030 through uniting South Africans. The plan envisage the unleashing of the energies of South African citizens in growing an inclusive economy, building capabilities, enhancing the capability of the state and leaders to work together to solve complex problems.

The National Planning Commission was responsible for the plan and released a draft in November 2011. Extensive consultations were held with South Africans, including

23 CoGTA: Local government back to basics strategy
government, unions, academics, industry bodies, non-profit organisations, religious associations and the general public. The response was overwhelmingly positive and the inputs have helped to strengthen the proposals made in the plan.

In terms of its focus on the disabled as a particularly vulnerable segment of society the plan has set the following enabling milestones to be achieved by 2030:

- Ensure that skilled, technical, professional and managerial posts better reflect the country's racial, gender and disability makeup.
- Broaden ownership of assets to historically disadvantaged groups.
- Entrench a social security system covering all working people, with social protection for the poor and other groups in need, such as children and people with disabilities.
- Realise a developmental, capable and ethical state that treats citizens with dignity.

5.1.3 Draft National Disability Rights Policy (White Paper on mainstreaming disability)

The vision for the National Disability Rights Policy is aligned with Vision 2030 of the National Development Plan. It proposes a collective national effort to effect the changes required to transform the experiences of persons with disabilities by removing discrimination embedded in planning, budgeting and service delivery.

Recognition of the diversity of experiences of persons with disabilities underpins the pillars and strategic objectives of the NDRP, by acknowledging that not all persons with disabilities are alike, and that personal circumstances, gender, age, sexuality, cultural backgrounds, geographical location, as well as strategic reasonable accommodation and support needs linked to strategic impairments, require different responses within a human rights oriented framework.

Whilst setting a national disability rights agenda, the NDRP builds on existing efforts by all spheres of government, the private sector and civil society. It as such ensures that all organs of the state retain the flexibility to respond to the unique characteristics, priorities and challenges of their respective jurisdictions in coordinated action, with one shared result - equality of outcome for persons with disabilities.

5.2 Critical Issues for Disability in Local Government

5.2.1 Mainstreaming

Mainstreaming disability concerns into development is the process of assessing the implications for people with disabilities of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making the concerns and experiences of people with disabilities an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that people with disabilities benefit equally and that inequality is not perpetuated.

To ensure that mainstreaming becomes a central focus for all spheres of government especially at the local level, the NDRP aims to establish a high level transversal policy framework. This NDRP gives coherence to, as well as guide government activity across
mainstream and disability-strategic areas of public policy and programmes for the domestication of the obligations contained in the Convention on the Rights of Persons with Disabilities and other international and regional obligations.

Local government has a responsibility to ensure the mainstreaming of disability issues as it delivers on its mandate. As the closest level of government to the people, it is appropriately positioned to contribute to the realization of government priorities on service delivery and development.

The approach in the context of this framework is internal and external mainstreaming. Internal mainstreaming focuses on integrating disability components into workplace policies, programmes, practices and processes of provinces and municipalities. This complements the implementation of the Employment Equity Act, Skills Development Act and related employment legislation. This internal focus stands to benefit unemployed members with disabilities who are looking for employment, and also officials with disabilities already employed by Provincial Departments of Local Government and municipalities.

External mainstreaming, on the other hand, focuses on ensuring that disability components are made an integral part of municipal IDPs by ensuring that disability issues are considered at all levels of municipal projects and service delivery initiatives, starting from the conceptual phase to implementation, and to monitoring, evaluation and reporting. The direct beneficiaries of external mainstreaming will be community members or the general public.

5.2.2 Critical areas of opportunity to advance mainstreaming in Local Government

In terms of the NDRP, there are four pillars that inform and guide the mainstreaming agenda for persons with disabilities in all spheres of government. These include:

- **Rights Pillar**
  This pillar requires that processes, procedures, policies, programmes and actions be centred on economic, social, civil and political rights enshrined in the Constitution. This applies to all stakeholders and spheres of life. This access refers to amongst other elements, access to buildings, products and environments for all, including persons with disabilities. Integral to access are the barriers experienced by persons with disabilities in participating in mainstream society.

- **Empowerment Pillar**
  This pillar refers to processes, procedures and actions aimed at affording access, equal treatment, inclusion, participation, accountability and efficiencies. It takes into account structural inequalities that affect entire social groups rather than focus only on individual characteristics. The empowerment approach is a core pillar for enabling persons with disabilities to avail of and access those opportunities that exist. It also includes encouraging, and developing the skills for self-sufficiency, with a focus on eliminating the need for charity or welfare in the individuals of the group.

- **Equality Pillar**
  Equality is the opportunities and life chances that are available to persons with disabilities. This pillar encompasses the right of persons with disabilities to equality of outcome. The equality indicators must be responsive to age, disability and gender apart from focusing on race and income difference. Equality indicators can be used to hold institutions accountable for their commitments.
Results Pillar
The outcomes-based approach directs processes, procedures, policies and programmes and actions to be centred on results with desired impacts. Results based planning involves the articulation of strategic choices in light of past performance and includes information on how an organisation intends to deliver on its priorities and achieve associated results.
Section G: Implementation Plan

“Local government exists to serve the people. That is the bottom line. In this regard, Municipalities must take more decisive action to involve communities and community organisations in the matters of local government.”

J.G. ZUMA
President of the Republic of South Africa
6 SECTION F: IMPLEMENTATION PLAN

Taking into account all the challenges and policy priorities on disability as captured in various policy and legislative instruments, this Framework endeavours to detail a programme of action for municipalities over the next five years. The programme is organised around the five key focus areas of the Back to Basics approach. Below is a detailed programme of action.
### 6.1 Strategic Objective 1: Putting People First

<table>
<thead>
<tr>
<th>Nr</th>
<th>MEASURABLE OBJECTIVES</th>
<th>ACTIVITIES</th>
<th>OUTPUTS AND INDICATORS</th>
<th>TIME FRAME</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
</table>
| 1  | Promoting representation of people with disabilities in the Local Government workplace | 1. Implement Employment Equity Act and Job Access Strategy  
2. Develop a database for recruitment  
3. Distribute advertisement to disability sector  
4. Provide reasonable accommodation where necessary  
5. Ensure that both intellectual and physical accessibility are provided for.  
6. Enforce building regulations on accessibility.  
7. Provide on- the-job training opportunities. Conduct internal disability awareness raising campaigns and training for the local government sphere staff | 1. Employment Equity Plan  
2. Employment Equity forum  
3. Employment Equity Report  
4. A total of 2% representation of people with disabilities into the local government workforce. This should include middle and senior management levels | Human Resources Department (plays lead role) and all municipal directorate (Using the Disability Framework as a guide) |
| 2  | Mainstreaming Disability issues in local government | 1. Conduct in-depth analysis of planning processes and operations, identifying gaps in mainstreaming of disability components in COGTA and municipalities  
2. Develop disability policy in COGTA and municipalities  
3. Integrate disability issues into IDPs  
4. Define and include disability targets and indicators for mainstreaming purposes  
5. Allocate budgets and other resources to disability components  
6. Mobilise forums and DPOs for participation in IDP processes  
7. Monitor and evaluate implementation of disability components in the IDP  
8. Facilitate inclusion of people with disabilities in IDP forums | 1. IDPs reflect disability indicators and are budgeted for.  
2. Disability policies in COGTA and municipalities  
3. Budgets reflect line items for disability programming | Municipal Managers (or their delegates) in respect of municipalities  
IDP Managers  
Heads of Provincial COGTA in respect of provinces |
<table>
<thead>
<tr>
<th>3</th>
<th>Promoting awareness on disability issues</th>
<th>1. Undertake awareness-raising campaign/programmes on disability and disability rights 2. Train leaders and officials on disability mainstreaming</th>
<th>1. Municipalities with access and resources to procure technical expertise for disability work 2. Internal capacity to manage disability work in municipalities and COGTA enhanced 3. Relevant disability-friendly materials and communication tools developed and utilised</th>
<th>COGTA, SALGA, DPOs Provincial COGTA and Municipalities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Developing capacity building programmes for people with disabilities</td>
<td>1. Empower and capacitate people with disabilities to participate in key municipal processes and activities 2. Implement comprehensive awareness-raising programmes aimed at educating disabled persons themselves about how to make submissions to select committees and utilize policies/legislation of benefit to them 3. Conduct awareness-raising work around disability policies and legislation, particularly in relation to implementation and enforcement strategies 4. Implement events to create awareness and commemorate special Disability Days 5. Appropriately adapt and disseminate materials, including newsletters, pamphlets and research results on disability framework/legislative provisions, in accessible formats 6. Mobilise financial and other resources for the implementation of this framework, including the monitoring and evaluation strategy and capacity-building plans</td>
<td>1. Skill development audits undertaken 2. Skill development plans developed 3. A number of submissions to the council with disability-specific issues 4. Empowered people with disabilities participating in wards, councils and special programmes units 5. A number of awareness sessions on disability legislations organized for people with disabilities 6. Accessible information (in Braille and audio transcript) 7. Disability policies and strategies with allocated resources for implementation</td>
<td>Provincial COGTA and municipalities</td>
</tr>
<tr>
<td>5</td>
<td>Ensuring and providing for physical and intellectual</td>
<td>1. Undertake access scan of provincial departments and municipality buildings</td>
<td>1. Evaluation report on provincial and municipal compliance with building</td>
<td>Disability Coordinator</td>
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<tr>
<td>1. Conduct a situation analysis on disability policy utilisation in local government sphere</td>
<td>2. Facilitate production and distribution of sector reports on performance and extent of disability mainstreaming and programming</td>
<td>4. Plan targets for the next phase of the MTEF</td>
<td>SALGA DPOs All Stakeholders COGTA</td>
<td></td>
</tr>
<tr>
<td>2. Capacitate leadership and officials to enable them to provide reasonable accommodation for people with disabilities</td>
<td>3. Facilitate adjustments to buildings for universal access to provincial and municipal facilities in line with the Building Regulation Standards</td>
<td>4. Ensure availability of materials in accessible formats. e.g. Braille, audio transcript and sign language interpretation in case of hearing impairment</td>
<td>Management in Provincial COGTA and municipalities</td>
<td></td>
</tr>
<tr>
<td>3. Facilitate adjustments to buildings for universal access to provincial and municipal facilities in line with the Building Regulation Standards</td>
<td>4. Access to Sign and Tactile interpretation services</td>
<td>4. Access to information in Braille, tapes and other accessible formats</td>
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<td></td>
</tr>
<tr>
<td>4. Ensure availability of materials in accessible formats. e.g. Braille, audio transcript and sign language interpretation in case of hearing impairment</td>
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<tr>
<td>6. Monitoring local government compliance with disability instruments</td>
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</table>
### 6.2 Strategic Objective 2: Delivering basic services

<table>
<thead>
<tr>
<th>Nr</th>
<th>MEASURABLE OBJECTIVES</th>
<th>ACTIVITIES</th>
<th>OUTPUTS AND INDICATORS</th>
<th>TIME FRAME</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
</table>
| 1  | Ensuring that people with disabilities have accessible water points, electricity and sanitation facilities | 1. Qualifying people with Disabilities on Indigent policy  
2. Produce disability-friendly information on Indigent Policy  
3. Develop database of indigent members  
4. Implement Indigent policy  
5. Educate and raise awareness of municipal services to people with disabilities  
6. Monitor and report services accessed by people with disabilities  
7. Set targets for provision of basic services in municipal planning tools and processes | 1. Increase in number of people with disabilities accessing basic services  
Provision of accessible, affordable, and sustainable basic services to people with disabilities | Provincial COGTA, Municipalities |
| 2  | Ensuring that sanitation services are accessible | 1. Research and develop appropriate sanitation system for people with disabilities  
2. Explore alternatives to the existing sanitation system for people with disabilities | 1. Accessible sanitation system for people with disabilities  
2. Provision of acceptable, affordable and sustainable sanitation system | COGTA  
SALGA  
Municipalities |
| 3  | People with disabilities included in MIIS within a universal design framework; recognising people with disabilities as users, stakeholders and contractors/ suppliers. | 1. Revise the Municipal Infrastructure Investment Policy and Strategy to include universal design principles and the needs of people with disabilities. | Mainstreamed MIIS and Disability Framework | COGTA  
SALGA  
Municipalities |
| 4  | Mainstreaming disability issues into sector plans and in PGDSs, IDPs and NSDP. | 1. Review sector plans to facilitate attainment of disability objectives  
2. Facilitate inclusion of disability targets in IDPs | 1. Sector Plans, PGDSs, IDPs and NSDP conferring benefits on people with disabilities  
2. IDPs with specific disability targets | COGTA  
Department of Labour  
Provincial COGTA |
| 5  | Planning of resource for implementation of municipal disability strategies | 1. Develop disability policy and plans  
2. Allocate resources  
3. Integrate capacity building of the officials for implementation of the policy and achieve inter- | 1. Implementation plan with disaggregated budget for disability activities  
2. Number of projects dedicated to | COGTA  
SALGA  
Municipalities |
<table>
<thead>
<tr>
<th>Sectoral Collaboration for the Benefit of People with Disabilities</th>
<th>People with Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include disability issues in the programmes for line function departments</td>
<td></td>
</tr>
</tbody>
</table>

6 Providing sustainable, accessible and affordable community services to people with disabilities in municipalities

1. Review sector plans to facilitate attainment of disability objectives
2. Facilitate inclusion of disability targets in IDPs

1. People with disabilities have access to and benefit from all community services
2. People with disabilities actively participating in sports, arts, cultural activities within a barrier free environment
3. Amateur and professional arts and cultural groups of people with disabilities formed, capacitated, promoted and funded through interdepartmental cooperation
4. People with disabilities fully acknowledged and with full access to amenities within all local government entities

Municipalities and Provincial COGTA
### 6.3 Strategic Objective 3: Building capacity

<table>
<thead>
<tr>
<th>Nr</th>
<th>MEASURABLE OBJECTIVES</th>
<th>ACTIVITIES</th>
<th>OUTPUTS AND INDICATORS</th>
<th>TIME FRAME</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
</table>
| 1  | Promoting the implementation of economic initiatives, practices and policies that benefit people with disabilities in local municipalities | 1. Facilitate allocation of 5% of LED programme/tenders to people with disabilities  
2. Facilitate implementation of procurement criteria  
3. Identify suitable business opportunities and negotiate, plan and implement business linkages  
4. See that people with disabilities are included in contractor development programmes and awarded tenders in line with the Preferential Procurement Act  
5. Facilitate the conclusion of procurement and supply contracts for the benefit of a percentage of people with disabilities  
6. Facilitate training of project holders  
7. Link people with disabilities to SMME schemes and other LED opportunities  
8. Implement training and capacity development strategies for groups of people with disabilities | 1. A specific percentage of tenders allocated to people with disabilities  
2. SMMEs able to unlock value through new investments in projects each year for the full duration of the strategic framework  
3. Well-organised and viable economic initiatives of benefit to people with disabilities able to generate income on a sustainable basis  
4. Enhanced job creation capacity  
5. Economic empowerment ventures or procurement contracts including people with disabilities as active partners |  | LED Manager |
| 2  | Ensuring capacity and skills transfer to people with disabilities | 1. Develop and implement comprehensive capacity development programme for contractors with disabilities  
2. Include people with disabilities in national support strategies by SOEs | 1. SOE support strategy includes people with disabilities.  
2. Capacity development strategy for people with disabilities. |  | Municipality |

Planning projects for people with disabilities and integrating them into LED and PGDS  
1. Implement and complete all planning and resource mobilization work for LED projects of people with disabilities | 1. People with disabilities participating in LED projects  
2. LED projects of people with disabilities implemented by capacitated project holders |  | COGTA  
SALGA  
Province  
Municipality |
<table>
<thead>
<tr>
<th></th>
<th>Mainstreaming disability programme components in the National Framework for LED.</th>
<th>1. Initiate LED sessions aimed at integrating disability components in rural and urban development strategies and projects.</th>
<th>1. Mainstreamed disability components</th>
<th>COGTA SALGA Province Municipality</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Developing and implementing a M&amp;E framework for LED projects of people with disabilities.</td>
<td>1. Inform and implement M&amp;E framework with the participation of DPOs.</td>
<td>1. Progress tracked through an effective M&amp;E framework</td>
<td>COGTA SALGA Province Municipality</td>
</tr>
</tbody>
</table>
### 6.4 Strategic Objective 4: Good governance

<table>
<thead>
<tr>
<th>Nr</th>
<th>MEASURABLE OBJECTIVES</th>
<th>ACTIVITIES</th>
<th>OUTPUTS AND INDICATORS</th>
<th>TIME FRAME</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
</table>
| 1  | Promoting participation and representation of people with disabilities in municipal affairs | 1. Identify and encourage participation and representation of NGOs (serving interests of people with disabilities) in municipal agenda  
2. Notice of consultations directed to NGOs representing interests of people with disabilities  
3. Reasonable accommodation of special needs of people with disabilities | 1. Database of NGOs serving interest of people with disabilities  
2. Number of people with disabilities serving in municipal structures e.g. ward committee members with disabilities  
3. Assistive devices and accessible consultation venues and material | Municipal Managers IDP Managers Heads of Provincial COGTA and municipalities Public participation Units |
| 2  | Ensuring transparency and accountability for disability inclusion | 1. Disability community-based ward consultations and planning.  
2. Disability community participatory budgeting initiatives  
3. Progress reporting on the implementation of disability | 1. A plan outlining disability inclusion  
2. Disaggregated budget report on disability expenditures | Municipal Managers IDP Managers Heads of Provincial COGTA and municipalities |
### 6.5 Strategic Objective 5: Sound financial management

<table>
<thead>
<tr>
<th>Nr</th>
<th>MEASURABLE OBJECTIVES</th>
<th>ACTIVITIES</th>
<th>OUTPUTS AND INDICATORS</th>
<th>TIME FRAME</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Local Government Equitable Share (LGES) and other grants as well as own municipal generated funds benefit identifiable groups of people with disabilities at municipal level.</td>
<td>1. Plan and implement projects that are owned and managed by people with disabilities with support from the LGES and other grants.</td>
<td>1. Grant-funded projects with capacity to create employment for people that are disabled.</td>
<td></td>
<td>COGTA SALGA Province Municipality</td>
</tr>
</tbody>
</table>
| 2  | Ensure that budgetary allocations to disability work are utilised efficiently and effectively | 1. Study all aspects and components of policies and strategies that emanate from the Disability Framework to determine budget needs.  
2. Allocate budgets to agreed priorities.  
3. Monitor through financial reports and audits.  
4. Evaluate effectiveness and efficiency in utilisation of budgets. | 1. This Disability Framework and resultant policies/strategies at local levels with adequate budgets for agreed priority activities  
2. Financial resources allocated to the implementation of the Disability Framework, related policies/strategies by the provincial and local government for mainstreamed disability components.  
3. Disability budgetary allocations adequate to implement planned disability/mainstreamed work.  
4. Efficient, effective and appropriate use of funding allocated for disability work. |  | Municipal Manager |
| 3  | Mobilise resources for disability components in this Disability Framework and resultant strategies | 1. Ensure that disability components are budgeted for in the relevant strategies  
2. Conduct research to identify possible sources of funding  
3. Allocate funding and other resources to mainstream disability work | 1. Funded disability strategies |  | COGTA SALGA Province Municipality |
Section F: Institutional Arrangements

“Nothing about us without us”.

Disability Movement Slogan
6.1 Roles and responsibilities

The section that follows provides an overview of the roles and responsibilities of the various stakeholders to this framework.

6.1.1 Role of COGTA

The main roles of COGTA at national level include:

- Coordination of policy development and implementation
- Ensuring effective monitoring and reporting
- Facilitating the commitment of resources
- Within these main roles, COGTA has a responsibility to:
  - Promote multi-sectoral collaboration on policies and legislation relevant to local government and provincial affairs for the protection of the rights of people with disabilities, consistent with existing national, regional and global mandates
  - Strengthen inter-organisational coordination and operational linkages at all levels
  - Promote inter-country technical cooperation in the local government sphere in support of building national and local capabilities and capacities on disability-related concerns within the spirit of the Africa Decade of Persons with Disabilities and other international policy instruments
  - Disseminate information widely at all levels and in appropriate formats, through partners and disability networks and the media

COGTA should:

- Advise on ongoing policies and programmes which affect the lives of people with disabilities.
- Facilitate, through this disability framework, the translation of international and national policy instruments related to local government into action and appropriate formats for widespread dissemination and use at all levels within the local government sphere.
- Promote and assist multi-sectoral collaboration at the local government level.
- Operate, in conjunction with SALGA, a skills development strategy to upgrade the competence of local government staff/councillors, particularly on management skills relating to disability issues.
- Facilitate policy and programme development, and implementation of these policies and programmes.
- Promote resource mobilisation for dealing with disability issues.
- Facilitate the formulation of national policies and programmes related to local government concerning the full participation and equality of people with disabilities, as well as promoting, monitoring and evaluating the implementation of these.
6.1.2 Role of SALGA

In line with its constitutionally defined mandate, SALGA plays its monitoring, oversight and capacity-building roles in order to facilitate the implementation of the disability framework. It should:

- Represent, advocate and protect the interests of disabled persons within the local government sphere.
- Ensure that provincial local government associations, as provincial representatives and consultative bodies on local government, facilitate and lead the process of implementing the disability framework.
- Promote full participation of people with disabilities in local government.
- Ensure, as the national employers’ organisation for municipal member employers, that disability is mainstreamed in the workplace in line with current legislation and the targets set in this disability framework.
- Facilitate the development of the capacity of local government officials and councilors to enable them to implement the disability framework.
- Facilitate the adoption, implementation and appraisal of the monitoring and evaluation framework for this disability framework.
- Facilitate the sharing of knowledge on disability mainstreaming and good practice in the management of disability programmes.
- Work closely with National and Provincial COGTA, municipalities and civil society organisations in the implementation and evaluation of this framework.

6.1.3 Role of National Government Departments

According to the White Paper on Local Government, the Constitution obliges all spheres of government to cooperate with one another by developing good working relationships that are strengthened by mutual trust, information sharing, consultation and coordination. The Intergovernmental Relations Framework Act, 2005 (IGRF Act) also provides for the institutional framework for the three spheres of government to ensure coherent government, effective provision of services, monitoring the implementation of policy and legislation, and realisation of national priorities. This instrument calls for all spheres of government to work together for the effective provision of services to people with disabilities. The following table outlines the roles and responsibilities of national departments in relation to disability. The roles include defining the strategic direction, strengthening the capacity of municipalities, and the monitoring and evaluation of disability considerations in general.

Table 8: Roles and Responsibilities of National Departments

<table>
<thead>
<tr>
<th>NATIONAL DEPARTMENTS</th>
<th>ROLES AND RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office on the Status of Disabled Persons in the Presidency</td>
<td>Coordinates disability policy – through policy development, policy implementation, policy monitoring and evaluation; and mainstreaming of policy and related issues by ensuring that departments that have to deliver on specific mandates do deliver effectively.</td>
</tr>
<tr>
<td>Health</td>
<td>Ensures inclusion of disability in the National Health Plan for Universal Access to Primary Health Care</td>
</tr>
<tr>
<td>Ministry/Department</td>
<td>Responsibility</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Environmental Affairs and Tourism</strong></td>
<td>Responsible for protecting the environment and facilitating the development of barrier free design of the municipal environment.</td>
</tr>
<tr>
<td><strong>Public Works</strong></td>
<td>Effective implementation and administration of existing and new barrier free legislation and monitoring the implementation thereof. Facilitates compliance with National Building Regulations.</td>
</tr>
<tr>
<td><strong>Transport</strong></td>
<td>Develops norms and standards for public transport and promotes accessibility for people with disabilities.</td>
</tr>
<tr>
<td><strong>Labour</strong></td>
<td>Monitors implementation of labour laws to ensure protection of disabled job seekers and workers against unfair discrimination, and promotes an inclusive work environment that accommodates diversity.</td>
</tr>
<tr>
<td><strong>Social Development</strong></td>
<td>Facilitates accessibility of social security services to people with disabilities and ensures their inclusion in community development initiatives.</td>
</tr>
<tr>
<td><strong>Water Affairs and Forestry</strong></td>
<td>Develops sanitation standards and supports provinces and municipalities in providing sanitation services; monitors outcomes; builds capacity; undertakes pilot projects in low cost sanitation and makes sure that sanitation is implemented in a coordinated manner. It also has to ensure accessibility of potable water to people with disabilities.</td>
</tr>
<tr>
<td><strong>Sports, Arts and Culture</strong></td>
<td>Drives national guidelines for the development of sport for people with disabilities in South Africa and promotes their participation.</td>
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<tr>
<td><strong>Housing</strong></td>
<td>Develops norms and standards for housing development to ensure universal accessibility of houses</td>
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<tr>
<td><strong>Trade and Industry</strong></td>
<td>Facilitates the economic empowerment of people with disabilities.</td>
</tr>
</tbody>
</table>

### 6.1.4 Role of Provincial COGTA

These roles include:

- Ensuring that disability is mainstreamed in their core business and within the workforce. This will be achieved by formulating and mainstreaming disability indicators, activities and budgets in their strategic plans and working with municipalities and civil society organisations in the disability sector at all levels of planning and implementation.
- Establishing disability as a priority issue by ensuring that municipal planning and budgeting processes give priority to the basic needs of people with disabilities and promote their social and economic development.
- An intergovernmental role. This involves establishing disability forums and intergovernmental processes that enhance joint planning, cooperation and coordination.
- Training and capacity-building on issues related to disability management and the implementation of the disability framework.
- Including disability in the terms of reference, and/or the criteria for the awarding of tenders.
• Creating disability focal points within the departments in a position of authority, to be located in the HOD's office.
• Supporting the development of women with disabilities to achieve the broader goal of gender equality.
• Encouraging, supporting and working with provincial and local organisations of people with disabilities, family members, and/or advocates.
• Establishing ongoing communication with organisations of people with disabilities and ensuring their participation in the development of local government policies and strategies.
• Including the information on disability in all reports (e.g. Annual and Section 47 Reports).

In addition to the coordinating function, provincial governments should build municipal capacity in a number of ways, such as facilitating or funding aspects of the disability framework, facilitating access by municipalities to technical assistance and mentorship on issues relating to disability management, arranging exchange programmes pertaining to disability work, and facilitating shared learning on disability issues amongst municipalities.

6.1.5 Role of Municipalities

Key institutional mechanisms and processes should include:

• Establishing Disability Units in the municipal manager’s office;
• Utilising mayoral or executive council offices (getting buy-in from highest political authority) to support disability interventions.
• Establishing/strengthening of Equity Committees to mainstream disability in the work environment.
• Facilitating and forming Disability Forums and ensuring their functionality.
• Encouraging the participation of people with disabilities in municipal processes (e.g. Izimbizo, IDP reviews and LED forums).
• Consulting with DPOs.
• Raising awareness and promoting disability issues and rights among all municipal staff.
• Ensuring that people with disabilities have access to all municipal information and services

6.1.6 Suggested structure within the local government sphere

The structure below intends to give guidance for ensuring that disability issues are raised and taken seriously by the local government sphere and that the local policies and strategies that emanate from this disability framework are implemented. The structure gives an indication of:

• The role of DPOs in informing political and programming processes within the Offices of the Mayor and the Municipal Manager;
• Assigning one member of the Mayoral Committee (MMC) the responsibility of driving, overseeing and reporting on disability mainstreaming and service delivery;
• The political role of the Office of the Mayor in dealing with issues related to participation by and self-representation of people with disabilities;
• The need for a Disability Unit reporting to the Office of the Municipal Manager to deal with disability programming processes. The unit should be headed by an official
holding a position of authority to afford the incumbent the opportunity to sit in and make inputs in meetings of decision-making structures. Disability programming and implementation processes must be handled by managers in different departments of the municipality.

Figure 1: Reporting lines for Disability Units at Municipal level

6.1.6.1 Role of the Mayor and Executive Mayor’s Offices

The role of mayors is to:

- Politically champion disability issues in line with the Mayor’s Handbook stipulations.
- Ensure that programmes and projects are coordinated and implemented, and oversee the promotion and advancement of the rights of people with disabilities.
- Provide oversight and respond to advocacy campaigns by civil society organisations.

6.1.6.2 Role of the Municipal Managers' Offices

The role of the municipal managers' offices is to:

- Prioritise disability issues and integrate them in IDPs.
- Implement agreed performance management targets related to disability.
- Ensure a twin-track approach to mainstreaming disability components in all the departments/directorates of the municipality.
- Coordinate and mainstream disability policies in strategies and structures.
- Monitor and evaluate programmes implemented by departments and directorates for disability responsiveness or sensitivity.
- Network and liaise with disability forums.
- Develop progress reports on disability issues in the local level sphere.
- Ensure that all reports (e.g. the Section 46 Reports) provide information about employment of people with disabilities within municipalities, service delivery to members of the community with disabilities and overall mainstreaming of disability within the municipality.
6.1.6.3 Roles of Disability Focal Persons

The National Disability Policy suggests the following roles and responsibilities of the disability focal person:

- Liaise with Provincial COGTA and Office on the Status of Disabled Persons in the Premier’s Office on disability issues.
- Lead the process of developing sector-specific indicators in the municipality.
- Conduct sector-specific analysis on disability disparities to ensure a comprehensive sector plan.
- Provide guidance for disability analysis and facilitate mainstreaming of disability into the IDP.
- Develop and facilitate the implementation of the Municipal Disability Action Plan.
- Implement and evaluate cross-cutting programmes such as poverty alleviation, job creation, HIV and AIDS and rural strategy and ensure responsiveness to disability;
- Ensure the implementation of the disability framework for local government.
- Collaborate with other components within the municipality to ensure the mainstreaming of disability throughout the municipality.

6.1.6.4 Role of Municipal Departments

In order to effectively address the needs of and provide development opportunities for people with disabilities, municipal directorates should, among other things, undertake to:

- Set performance measures in relation to disability for directorate personnel and monitor and evaluate performance.
- Integrate disability components into budgets, programmes, policies, legislation and strategies.
- Implement programmes of benefit to people with disabilities in conjunction with civil society organisations of and for people with disabilities.
- Establish disability directorates/units/focal points with built-in appraisal systems.
- Prepare and submit reports to oversight committees and to management structures.
- Include disability information in all reports.

6.1.6.5 Disability Forums

Local Government is a sphere of government that consists of three levels of government which are autonomous. The implementation of this framework will be at all the three levels and it will require a coordinating forum to steer its implementation. The forum will be at the national level, ensuring the implementation and monitoring the progress thereof. The forum will comprise disability coordinators from the National and Provincial COGTA and SALGA. Its role should be to:

- Develop mechanisms to monitor the progress and impact of disability.
- Ensure participation by people with disabilities in decision-making forums and other structures.
- Establish links with mayors' offices, municipal managers and the Human Rights Commission to monitor human rights violations.
• Visit NGOs and CBOs to establish and promote optimal utilisation of resources and give assistance where possible.
• Develop progress reports on disability service provisioning and programming with recommendations every six months and submit them to councils.
• Identify needs and opportunities for lobbying.

6.1.6.6 Role of organisations for people with disabilities

Monitoring and evaluation of the implementation of this framework is a key to effectively mainstreaming disability at local government. Participatory monitoring with organisations representing the interests of people with disabilities is crucial to ensure that proper developmental priority needs of people with disabilities are addressed. The role of organisations for people with disabilities should be to:

• Identify needs and priorities of people with disabilities in workplaces and communities and communicate them.
• Participate in the planning, implementation and evaluation of services and measures concerning the lives of people with disabilities.
• Contribute to public awareness and advocacy for change.
• As instruments of self-help, provide and promote opportunities for the development of skills in various fields, mutual support among members and information sharing.
• Perform their advisory role in many different ways, such as having permanent representation on ward and other committees, municipal and local government structures and boards of government-funded agencies, serving on public commissions, and providing expert knowledge on different projects.
• Play an ongoing advisory role in order to develop and deepen the exchange of views and information between the state and these organisations.
• Make sure that they are permanently represented on the provincial and local government coordinating committees or similar bodies.
• The role of local organisations of people with disabilities should be developed and strengthened to ensure that they influence matters at the community level.
Section H: Monitoring and Evaluation

“We need urgently to change the way we do things in this country, so that we ensure that the goal of developmental local government is not lost.”

Minister Pravin Gordhan
Debate on the State of the Nation Address
8  SECTION H: MONITORING AND EVALUATION

COGTA and SALGA will be responsible for monitoring and evaluation of the implementation of the framework. Checklists linked to the implementation tables of this framework have been developed, presenting key areas and targets that should be assessed in order to determine progress (or lack of it) in the implementation of policies, strategies and plans that are informed by this disability framework. The indicators to be measured are outlined under each key performance area of local government. For effective monitoring and evaluation of the implementation of the framework, the factors in the table below should be considered:

Table 9: Key Monitoring and Evaluation Factors

<table>
<thead>
<tr>
<th>Nr</th>
<th>KEY FACTORS</th>
<th>ACTIVITIES</th>
<th>MEANS OF VERIFICATION</th>
<th>TIME FRAME</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Monitoring of implementation of Disability Framework recommendations</td>
<td>Development of indicators for monitoring and evaluation of the implementation of recommendations in this framework Utilise existing monitoring system to mainstream disability components with M &amp; E processes.</td>
<td>Measurable indicators. Progress reports on the implementation of the Disability Framework. Improved accountability and feedback on the implementation of the Disability Framework.</td>
<td>?</td>
<td>COGTA SALGA Province Municipality</td>
</tr>
<tr>
<td>2</td>
<td>Ensuring that budgetary allocations for disability work are utilised efficiently and effectively</td>
<td>Facilitate disaggregated approach of reporting budget expenditures</td>
<td>Disability disaggregated budget reports</td>
<td>?</td>
<td>COGTA SALGA Province Municipality</td>
</tr>
<tr>
<td>3</td>
<td>Evaluation of the implementation of Disability Framework recommendations</td>
<td>Implement an annual evaluation of the Disability Framework covering all provinces, based on a credible sample.</td>
<td>Progress made in the implementation of the Disability Framework, ascertained with recommendations for future phases of the Framework.</td>
<td>?</td>
<td>COGTA SALGA Province Municipality</td>
</tr>
<tr>
<td>4</td>
<td>Participation in Monitoring and Evaluation</td>
<td>Ensure that stakeholders participate in the monitoring and evaluation process.</td>
<td>Monitoring and evaluation reports</td>
<td>?</td>
<td>Disability Sector Provincial Forums Other Stakeholders</td>
</tr>
</tbody>
</table>
8.1 Guiding Principles for M&E

- **Consistency** - where possible a consistent approach should be adopted to ensure economies of scale, share services and encourage benchmarking. This does not necessarily mean that the nature of the measures will be identical, but rather that a baseline set of measures are applied consistently.
- **Transparency** - information disclosure regarding the results, process, substantive measures when developing the system and realignment following monitoring and evaluation will be critical.
- **Relevance** - any number of measurement processes can be established, however, measurement and evaluation should bear direct relevance to the overall strategic objectives and priorities of (i.e. there must be a good reason and this reason should be easily understood.).
- **Flexibility** - Appropriate mechanisms to ensure matching forms of measurement should be sought in order to ensure that like comparisons are made and that the organisational context is adequately recognized.
- **Manageability** - monitoring and evaluation processes have the potential to be overly complicated. A sequenced and practical approach should be adopted that aligns organisational resources and needs.
- **Timeous** - data should be collected timeously in order to ensure that it bears relevance to the current context. However, periodic, in addition to continuous, data should be defined in order to reduce the complexity of the system.

8.2 M&E Systems, Tools and Mechanisms

Monitoring and evaluation of mainstreaming should focus on the following indicators:

**On Putting Disabled People First**

- Prevalence of disabilities in the province and municipality.
- Service delivery models that enable people with disabilities to access service delivery be developed, piloted and replicated.
- A percentage of families with people with disabilities in need of water, electricity and sanitation identified, mobilised and supported each year.
- Accessible service delivery models mainstreaming disability components in local government departmental sector plans.
- Availability of resources to implement disability policies and strategies.
- Local government sphere: all public buildings and other facilities accessible to persons with different form of disabilities.
- Improved access to Sign and Tactile interpretation services.
- Improved access to information in Braille, tapes and other accessible formats.
- Measures to support all disabled councilors.
- All local government spheres' strategic plans with clear disability-related objectives, outputs, and activities.
- Disability policies/strategies adopted by local government entities, such as IDP, including disability as a cross-cutting.
- Issue in all development and sector planning/operations.
- Policies, strategies and processes in the field of local municipality planning, housing, architecture, transport, planning, operations and traffic engineering and others including disability work.
- Adapted transport for people with disabilities being made more available for utilization by people with disabilities.
• Spatial, housing, land and transport investment plans and programmes including the needs of disabled people.
• People with disabilities actively participating in sports, arts, cultural activities within a barrier-free environment.
• Mainstreamed policies and strategies providing benefit to urban/rural people with disabilities.
• Budgetary and human resources allocated to disability work.

On Public Participation
• Available staff positions, including middle and senior management, allocated to qualified people with disabilities.
• At least 2% of staff positions, including middle and senior management, allocated to people with disabilities, with adequate provision for reasonable accommodation, all-round accessibility and skill enhancement opportunities.
• Councilors and members of local government structures able to monitor and play an oversight role on disability components in mainstream legislation.
• Committees to enforce the provisions of existing disability policies and mainstreamed legislation and ensure inclusion of disability in new laws.
• SALGA’s capacity to facilitate the provision of training in the monitoring of disability indicators to local government councilors.
• Members of committees related to disability and the local government sphere, particularly portfolio and select committees, able to play an effective oversight role and call local government role players to account on the implementation of disability framework.

On Building Capacity:
• A certain percentage of entrepreneurs with disabilities per year capacitated, provided with project capital, and facilitated to enter and remain in business.
• A percentage of businesses with a combined membership with people with disabilities transformed into viable business-oriented organisations, able to:
  • Manage profitable businesses.
  • Advocate for the economic rights of their members.
  • Effectively utilise group resources in order to achieve financial viability and employment for all members of the group.
  • Integrate fully all categories of disability represented in each group.
• Mobilise and involve women and youth with disabilities in project activities
• A percentage of people with disabilities per year participating in LED and PGDS projects and running viable economic ventures in each municipality.
• LED and PGDS integrating disability components in rural and urban development strategies and projects.
• Government policies on economic empowerment implemented for the benefit of people with disabilities.
• A percentage of medium-scale economic empowerment ventures or procurement contracts including people with disabilities as active partners.

On Sound Financial Management:
• Financial resources allocated to the implementation of the Disability Framework by the provincial and local government for mainstreamed disability components.
• Grant and own municipally generated funded projects having the capacity to create employment for people with disabilities supported by the LGES and other grants.
• Efficient, effective and appropriate use of funding allocated for disability work evident and able to be accounted for.
On Good Governance
- Empowered people with disabilities participating inwards, councils and special programmes/units.
- Disability units and focal points established in municipal managers' offices and linked to municipal programmes.
- Disability units and focal points having adequate capacity to address people with disabilities.

Other Assessments
- Disability issues are mainstreamed in policies and service delivery.
- DPOs were utilised and consulted during planning, implementation, monitoring and evaluation.
- A plan was drawn up to cater for people with disabilities in the event of disaster.
- The implementation of such policies as Job Access and Code of Good Conduct took into account the different needs of people with disabilities.
- Local government entities worked with different government departments in mainstreaming disability.
Section I: Conclusion

"The moral test of government is how it treats those who are in the dawn of life... the children; those who are in the twilight of life... the elderly; and those who are in the shadow of life... the sick... the needy... and the disabled." -*

*Hubert H. Humphrey
COGTA the local government sphere have demonstrated commitment to making the hope of “a better life for all” possible for men, women, children and youth with disabilities. A great deal of progress has been made by some municipalities and provincial departments. This disability framework will contribute towards escalating efforts already initiated and initiating efforts where work needs to be done.

The disability movement has coined the slogan: “Nothing about us without us”. The participation of people with disabilities in all the processes linked to the Disability Strategy is crucial if success is to be realised.

The UN Convention on the Rights of Persons with Disabilities, already ratified by South Africa, articulates principles that are related to the current line of thinking within this disability framework with regard to disability policies, philosophy and principles. The disability framework demonstrates government’s commitment to ensuring that the constitutional ideal of equality becomes a reality for disabled women, men, children, the elderly and youth through the implementation of the proposed measures.
Annexures
Annexure A: Definitions of Disability and Preferred Terminology

This framework acknowledges various disability terms such as 'disabled people', 'physically challenged', 'handicapped', differently abled and others, but for purposes of this framework, the terms 'people with disabilities' will be adopted in line with the terminology used in the National Disability Policy (NDP) and the Integrated National Disability Strategy (INDS). The definition and classification of people with disabilities have gone through a number of changes over the centuries. The following key definitions\(^{24}\) of disability are included to explain disability in its wider context:

The World Health Organisation (WHO) defines disability as “an umbrella term for impairments, activity limitations, and participation restrictions. Disability refers to the negative aspects of the interaction between individuals with a health condition (such as cerebral palsy, Down syndrome, depression) and personal and environmental factors (such as negative attitudes, inaccessible transportation and public buildings, and limited social supports).”\(^{25}\)

"Disability is the disadvantage or restriction of activity caused by a society that takes little or no account of people who have impairments and thus excludes them from mainstream activity."\(^{26}\)

The NDRP defines disability as a societally imposed phenomenon in that “Disability is imposed by society when a person with a long-term physical, psychosocial, cognitive, 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.”\(^{27}\)

Persons with disabilities are therefore persons who - as a result of a temporary or permanent impairment - are unable to either gain access to equal opportunities to all aspects of life enjoyed by any other person, or when obstacles are placed to the achievement of such equal opportunities.

In addition to these, disability is also defined in terms of the following:

- **Biomedical Definition**
  - Disability is identified with illness or impairment in the biomedical approach, with most emphasis falling on curing the disabled individual. If this fails, the person is removed from society.


\(^{26}\) Definition of the British Council of Organisations of Disabled People.

\(^{27}\) Government Gazette, Draft National Disability Rights Policy, 16 February 2015
• **Philanthropic Definition**
Disability is regarded as a tragedy or object of sympathy and charity. People with disabilities are therefore pitied, given hand-outs and cared for in separate institutions.

• **Sociological Definition**
This approach defines disability as a form of human difference or deviation from the social norms of the acceptable levels of activity performance.

• **Economic Definition**
Disability is defined as a social cost caused both by extra resources that children and adults with disabilities require and by their limited productivity at work, relative to able-bodied people.

• **Socio-Political Definition** (as adopted in the INDF)
Disability needs to be defined within context, rather than focusing on the inability of people that inadvertently leads to stigmatisation and categorisation. The Integrated National disability framework (INDF) has therefore adopted a socio-political approach to disability, whereby disability is located in the social environment. This takes cognisance of disabled people’s viewpoint that disability is a social construct and most of its effects are inflicted upon people with disabilities by their social environment e.g. it is not the disability, nor the wheelchair that disables a person but it is the stairs leading to a building.

• **Medical versus Social Model**
Disabled people during the 1970’s used their personal experience of disability and institutional life to show that it was not their impairments that caused the ‘problem’, but the way in which society failed to make any allowances for their differences and instead locked them away. This way of thinking about, analysing and discussing disability became known as ‘The Social Model of Disability’.

• **Medical Model Approach**
Traditional approaches say that the inability to carry out activities is caused by an impairment or impairments; for example, you are not mobile because you have a spinal injury. This understanding of disability is said to be a medical model of disability because the causes of disability are attributed only to medical conditions. A person therefore has a disability if she or he has a physical or mental impairment which has a substantial and long term effect on her/his ability to carry out normal day to day activities if it affects one or more of the following: mobility, manual dexterity, physical coordination, continence, ability to lift or carry or otherwise move everyday objects, speech, hearing, eyesight (unless correctable by spectacles), memory or ability to concentrate or learn or understand, and perception of the risk of danger. If impairment is used to account for disability, other concepts, for example ‘discrimination’, must also be used to address the fact that many people with impairments are not getting jobs and are prevented from participating in politics, social events and the life of the community in general. But, by saying that ‘disability’ (the inability to participate) is caused by impairments, implies that people with impairments will always be seen as being inferior, or second rate, or inherently flawed. In this way discrimination becomes something that is done to ‘limited’ people who cannot carry out ‘normal’ activities.
• **Social Model Approach**

The social model is not limited by such a narrow description of activities. It takes the wider view that the ability to undertake such activities is dependent upon social intervention. It can show that the limitation of activity is not caused by impairments but is a consequence of social organisation – hence the phrase ‘social model’.

The social model does not need a separate notion of discrimination because the model already focuses on those aspects of society that disable people – discrimination and disability become one and the same thing. For example, because an employer will not provide sufficient training and support for a person with learning difficulties the employer is discriminating against and disabling her or him.

In short, the social model says that a person is disabled if the world at large will not take into account their physical or mental differences.

The following section contains some examples of the preferred terminology as it relates to the English language. (With acknowledgement to Patricia Digh of RealWork Group):

• Although some disabled people prefer the terms ‘physically challenged’ or ‘differently abled’, these should not generally be used. The disability rights movement of South Africa accepts both the terms ‘disabled person’ and ‘people with disabilities’.

• Avoid “suffers from,” “afflicted with” or “victim of,” all of which cast disabilities as a negative. “Suffers from” indicates ongoing pain and torment, which is no more the case for most people with disabilities as it is for most people without disabilities. “Afflicted with” denotes a disease, which most disabilities are not. “Victim of” implies that a crime is being committed on the person who has a disability.

• Do not use “wheelchair-bound” or “confined to a wheelchair.” People see their wheelchairs as a convenient mode of transportation, not prisons, and the “bound/confined” phrase belies the fact that many people with motor disabilities engage in activities without their wheelchairs, including driving and sleeping. The proper phrase is “uses a wheelchair.”

• Use “disability” not “handicap.” The word “handicap” derives from the phrase “cap in hand,” referring to a beggar, and is despised by most people with disabilities. Other terms to avoid: “physically/mentally challenged” (who isn’t?) “cripple” and “crippled.”

• Use “able-bodied” or “people without disabilities.” The terms “normal” and “whole” are inappropriate and inaccurate.

• Most disabilities are not a disease. Do not call a person with a disability a “patient” unless referring to a hospital setting. In an occupational and physical therapy context, “client” or “customer” is preferred.

• Some diseases, by legal definition, are considered disabilities. Victimisation imagery (“AIDS victims”) or defining the person by the disease (“she is a diabetic”) is still inappropriate. Use “person with diabetes” or “people living with AIDS.”

• People who consider themselves part of Deaf culture refer to themselves as “Deaf” with a capital “D.” Because their culture derives from their language, they may be identified as you would other cultural entities, i.e. “Shangaan.” Never use the terms Deaf-mute or Deaf and Dumb.

• Avoid “deformed,” “deformity” and “birth defect.” A person may be “born without arms” or “has a congenital disability,” but is probably not defective.

• Use “person with Down syndrome.” Avoid “Mongol” or “mongoloid.” ü Avoid “mentally retarded,” “insane,” “slow learner,” “learning disabled” and “brain damaged.” Use person with an intellectual disability, or person with a psychiatric disability.
- Avoid “cerebral palsied” and “spastic.” Use “person with cerebral palsy”.
- Use “person with epilepsy” or “child with a seizure disorder.” Avoid “epileptic,” either as a noun or adjective.
- Avoid “dwarf” or “midget.” Some groups prefer “little/short people,” but it’s best to use “person of short stature.”
- Use “man with paraplegia” or “she has quadriplegia.” Avoid “paraplegic” or “quadriplegic” as either a noun or adjective.
- Negative and patronising language produces negative and patronising images. Words are important, so make sure your words do not offend or reinforce negative stereotypes.