



*Nkomazi Municipality*

POLICY  
FOR  
DISABLED PERSONS



## GCM RESOLUTIONS

**NKM: GCM A048/2008**

**NKOMAZI MUNICIPALITY: DRAFT POLICY FOR DISABLED  
PERSONS (N5P/12)**

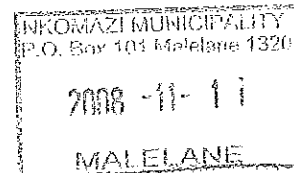
**(003/2008)**

**26 August 2008**

---

### **RESOLVED**

1. That the Policy for Disabled Persons be approved as Nkomazi Municipality policy.
2. That any Policy for Disabled Persons approved previously be rescinded.





## **POLICY FOR DISABLED PERSONS**

### **1. Introduction**

*The World Programme of Action Concerning Disabled Persons seeks to promote effective measures for the prevention of disability, rehabilitation and the realization of equal opportunities for persons with disabilities. Chapter 2 of the Constitution guarantees fundamental rights to all citizens. Chapter 9 takes care of the right to freedom from discrimination based on a number of social criteria.*

*Discrimination based on disability is forbidden and disabled persons are guaranteed the right to be treated equally and to enjoy the same rights as all other citizens.*

*The Constitution also makes provision for affirmative action. Persons with disabilities have been disadvantaged in the past and now it is time they are given fair equal opportunities.*

*The standard rules for the equalization of opportunities for disabled persons aim to provide governments with clear guidelines on actions to be taken. The standard rules were adopted by the United Nations General Assembly on 20 December 1993.*

*This policy should be guided by the Ehlanzeni District Municipality on Disabled persons and the Provincial Plan of Action 2005-2009 for Disabled Persons.*

### **2. Values and Aspirations**

*Disability issues have been addressed casually and in a fragmented way. This has been one of the key factors contributing to the marginalizing of disabled persons and the dire poverty of the circumstances in which the majority find themselves.*

*Commitment by the Municipality to take actions for the opening, lobbying and equalization of opportunities for persons with disabilities.*

*Ensure that all persons with disabilities exercise the same rights and obligations as other citizens.*

*The standard rules on the equalization of opportunities for persons with disabilities, the World of Action Concerning Disabled Persons and the Disability Rights Charters will be the guiding documents in developing, implementation and monitoring the development policy framework for persons with disabilities.*

*In a society for all, the needs of all citizens constitute the basis for planning and policy, and the general systems and institutions of society should be accessible to all.*

*Persons with disabilities are an integral part of society, and should have an opportunity to have a contribution in respect of experience, talents and capabilities to local, provincial, national and international development.*

*The concept of a society for all, encompassing human diversity and the development of all human potential, captures the spirit of the human rights instruments of the United Nations.*

*The policy should assist the municipality in creating an enabling environment that will lead to the full participation and equalization of opportunities for persons with disabilities at all levels of society, currently and in the immediate future.*

*The facilitation of the integration of disability issues into government developmental strategies, planning and programs.*

*The development of an integrated management system for the coordination of disability planning, and implementation in the various departments of the municipality and other government departments as per the Integrated Development Plan.*

*A program of public education and awareness aimed at changing fundamental prejudices in South African society.*



*The development of the strategy needs to take place within a coherent program of reconstruction and development and must be planned and implemented in terms of strategic guidelines.*

*The pursuit of goals of freedom from want, hunger, deprivation, ignorance, oppression and exclusion should underpin strategies for disability planning*

*All disability programs should be carried out with appropriate consultation with the Nkomazi Disabled Persons Council and facilitation should include the necessary provision of resources and monitoring mechanisms.*

### **3. Challenges Faced by Disabled Persons**

*The majority of persons with disabilities in South Africa has been excluded from the mainstream of society and has been prevented from accessing fundamental rights.*

*Key factors of exclusion are responsible for the cumulative disadvantages of persons with disabilities are poverty, unemployment and social isolation.*

#### **3.1. Poverty**

*Poor persons face a greater risk of disability. The birth of a disabled child in a family places heavy demands on family morale, thrusting it deeper into poverty.*

*The key indicator of poverty is the degree to which persons are excluded from accessing basic goods and services. Poor persons 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.*

*A household survey of 1995 confirms that persons with disabilities live in areas where the infrastructure for the provision of basic services is at its weakest, hence a relatively low percentage of disabled persons have access to running water, electricity and inside toilet facilities.*

#### **3.2. Persons with disabilities living in remote areas**

*Persons with disabilities in rural areas seldom have any prospect of engaging in the informal sector, due to poverty, inaccessible public transport systems and social rejection.*

*A lack of appropriate care has contributed significantly to an increase in preventable secondary disabilities.*

#### **3.3. Youth with disabilities**

*Youth with disabilities are less likely to access youth development programs than their peers (persons with equal inability) for the same reason as other groups with disabilities.*

*There are specific subgroups that experience particular difficulties*

*These include:*

- *Homeless youth with disabilities.*
- *Youth with disabilities who have clashed with the justice systems.*
- *The out of school, out of work youth with disabilities who have had little or no access to formal education.*

#### **3.4. Unemployment**

*Persons with disabilities who receive social grants tend to be totally dependant on the grants for survival.*

*An estimate of 99% of disabled persons is excluded from the open labour market*

*The high levels of unemployment amongst persons with disabilities can be attributed to a number of factors:*



- *Low skills due to inadequate education*
- *Discriminatory attitudes and practices by employers*
- *Ineffective or unenforced labour legislation*
- *Manual labour is often the only option for poorly skilled job seekers*
- *Generally high levels of unemployment*
- *Ignorance in society,*
- *Lack of enabler mechanisms to promote employment opportunities*
- *Inaccessible public transport*
- *Inaccessible and unsupportive work environments*
- *Inadequate and inaccessible provision of vocational rehabilitation and training.*

*The high level of illiteracy amongst disabled adults is a direct result of the lack of educational opportunities for children with disabilities, especially in rural areas.*

*As a result persons with disabilities that do not have jobs often find themselves working in a sheltered/protected workshop run by disabled persons themselves.*

*The nature of these workshops and self-help projects vary considerably. They do not provide persons with disabilities and their families with sustainable incomes or opportunities for competitive economic activity.*

*Although the rights of persons with disabilities are enshrined in the Constitution, there is, as yet, no specific disability legislation.*

#### **4. Causes of Disabilities**

*There are many factors responsible for the rising number of persons with disabilities and their consequent isolation from the mainstream of society.*

##### **4.1. Violence and War**

*Disabilities are caused by violence, especially against women and children, injuries as a result of landmines, and psychological trauma,*

##### **4.2. Poverty**

*Disabilities are caused by overcrowded and unhealthy living conditions. Disability feeds on poverty, and poverty on disability.*

##### **4.3. Lack of information**

*Persons do not have accurate information about disability, its causes, its prevention and its treatment this is because of high illiteracy rate and poor knowledge about basic social, health and educational services.*

##### **4.4 Failure of Medical Services**

*The occurrence of disability is increased by the inadequacy of primary health care and genetic counseling services, weak organizational links between social services, the faulty treatment of the injured when accidents occur, and the incorrect use of medication.*

##### **4.5. Unhealthy Lifestyles**

*Disability is caused by the misuse and/or abuse of medication as well as the abuse of drugs and other substances. It is also caused by deficiencies in essential foods and vitamins. Disability may also be caused by stress*



#### **4.6. Environmental Factors**

*Disabilities are caused by epidemics, accidents and natural disasters, pollution of the physical environment and poisoning by toxic waste and other hazardous substances.*

#### **4.7 Accidents**

*Disabilities are caused by Industrial, Agricultural and Transport related accidents and Sports injuries.*

#### **4.8 Social Environment**

*The fact that persons with disabilities are marginalized and discriminated against creates an environment in which prevention and treatment are difficult.*

### **5. Categorization of Disabilities**

*There are sectors within the disabled community that experience more discrimination than others. These sectors are experiencing higher levels of exclusion from the social, economic and political environment.*

#### **5.1. Women**

*The most vulnerable group is women and in particular black disabled women. Women are viewed as second class citizens, subservient to men and in need of protection. Their role is defined through motherhood and home making.*

*Disabled women experience discrimination more than other women by being unable to live up to the demanding ideals of womanhood imposed by society.*

*The consequent isolation of disabled women means:*

- Disabled women are more likely to be poor or destitute*
- Disabled women are more likely to be malnourished*
- Disabled women are more likely to be illiterate*
- Disabled women have a lesser chance of having a family.*

*Women who bear disabled children sometimes face rejection and even scorn. Such women, especially in poverty-stricken areas, also often find themselves excluded from social and economic activities due to lack of facilities for their disabled children.*

#### **5.2. Children**

*Society still regards children with disabilities as incapable, ill and a burden on society and therefore representing a problem to be dealt with separately from other children's issues.*

*Children with disabilities live in extreme poverty in an inhospitable environment. They have poor access to appropriate health facilities and early childhood development opportunities.*

*They become disempowered adults, unable to take decisions, solve problems or take initiatives. This in turn contributes to high unemployment figures amongst adults with disabilities.*

#### **5.3. Persons with severe Intellectual or Mental Disabilities**

*It is considered that the needs of persons with severe mental/intellectual disabilities fall outside the ambit of development. Such persons are likely to be regarded as ill and in need of constant care.*



*Persons with mental illness are vulnerable when confronted with the Justice system. Their testimony is often not taken seriously, they are not regarded as reliable witnesses and they can seldom have access to advocates through whom they can speak to.*

#### **5.4. Elderly Persons with Disabilities**

*Poor access to home based health and social services, especially in rural communities, means that elderly persons with disabilities often live in the back rooms of their children's homes.*

*Inaccessible public transport means that services aimed at the elderly seldom reach those with disabilities This further contributes to the isolation and depression experienced by this group.*

*Persons with disabilities in rural areas seldom have any prospect engaging in the formal sector, due to poverty, inaccessible transport systems and social rejection.*

*A lack of appropriate medical care has contributed significantly to an increase in preventable secondary and tertiary disabilities:*

#### **5.5. Youth with disabilities**

*Youth with disabilities are less likely to access youth development program than their peers (persons with equal inability) for the same reason as other groups with disabilities*

*There are specific subgroups that experience particular difficulties and these include:*

- Homeless youth with disabilities*
- Youth with disabilities who have clashed with the Justice system.*
- The out of school, out of work youth with disabilities who have had little or no access to formal education*

#### **5.6. Persons with HIV / AIDS**

*Persons who are HIV positive suffer from discrimination to that experienced by persons with disabilities. However, this does not imply that they are disabled. They are not included in the definition of disability, except where symptoms, such as prolonged fatigue, interfere with their normal functioning.*

#### **5.7. Persons with Multiple Disabilities**

*Persons with a number of disabilities experience greater problems. Families cannot normally afford to care adequately for them as they need special care, a routine stable environment and a wide range of specialized services.*

*Nkomazi Local Municipality is committed in mainstreaming relevantly issues of persons with disabilities with programs of the municipality thereby ensuring equal opportunities for persons with disabilities.*

### **5. Role of the Municipality**

*Nkomazi Municipality will design, in consultation with the Council for Disabled Persons, a comprehensive program for the disabled that will enhance their engagement in society and remove discriminatory practices against them.*

*The Municipality will also discuss means to integrate disabled persons into the mainstream economy where they will be participants and will enjoy equal opportunities.*

*The objective is to facilitate the integration of disability issues into government developmental strategies, planning and programs.*



*There is a need to create a voice for disabled persons, through self-advocacy and to create an economic base so that the majority of disabled persons would have employment so that the quality of their lives would be improved.*

*The right to self-representation cannot be over emphasized. This means that the collective determination of disabled persons must be used to inform the strategies of the government.*

*Disabled persons should enjoy equal access to fundamental rights, even if the exercise of these rights involves removing barriers and creating enabling mechanisms. For example, failure to recognize sign language prevents deaf persons from enjoying access to full participation in the social, political and life of the country.*

*If the needs of disable persons are to be effectively addressed and the objectives of the Bill of Rights are to be met, disability must be fully integrated into the principles, strategies and framework of the IDP.*

## **6. Role of Disabled Persons Organizations**

*That persons with disabilities be encouraged to engage on poverty alleviation projects, such as food and vegetables gardens.*

*Engage the Municipalities in partnership with the Department of Education and other relevant stakeholders in identifying capable persons with disabilities to assist in inclusive education system, processes and monitoring.*

*Lobby Persons with Disabilities to participate in crime prevention strategies and processes and monitoring, particularly participation in community policing forum.*

*That persons with disabilities be capacitated with particular reference to skills required in the economy.*

*Capacitate Municipal Officials to understand and gain knowledge on issues of persons with Disabilities.*

*That medical practitioners, be capacitated particularly in basic sign language to ensure privacy of disabled persons is respected.*

*Ensure economic empowerment of persons with disabilities through procurement targets and through mechanism such as set-aside of projects for persons with disabilities.*

*Ensure economic empowerment of persons with disabilities through employment targets.*

*Persons with Disabilities be capacitated to lead the process of scarce skills development*

*Ensure economic development through EPWP and working for water projects.*

*The Municipality acknowledges the advisory role of organizations of persons with disabilities and their representatives in the decision-making processes.*

## **7. Location of Disabled Persons Section**

*The Office of the Presidency at national level and the Office of the Premier at Provincial level are responsible for Transversal Services and Issues.*

*Transversal Services include; Youth, Women, Children, Disabled and HIV/Aids.*

*Based on the above, the Disabled Persons Section shall be located in the Executive Mayor's Office.*