



PEOPLE WITH DISABILITIES

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DEFINITION OF TERMS

In this policy, unless the context indicates otherwise

“Accessibility”: Refers to equitable access for persons with disabilities to all services, products and facilities on an equal basis with other. This includes access to the built environment, transportation, 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.

“Disability”: this refers to the loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory,

psychological, and developmental, learning which may be permanent or temporal in nature thereby causing activity limitations and participation restriction with mainstream society.

“Mainstreaming”: refers to the process of assessing the implications for people with disabilities of 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 the 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 the people with disabilities benefit equally and that inequality is not perpetuated.

“Reasonable accommodation”: Refers to the 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 equal basis with others of all human rights and fundamental freedoms.

“Universal design”: means the design of products, environments, programmes and services to be usable by all people to the greater extent possible, without the need for adaptation or specialized design.

EXECUTIVE SUMMARY

Our Constitution indicates our commitment to the attainment of social justice and the improvement of the quality of life for everyone. The Constitution declares the founding values of our society to be “human dignity, the achievement of equality and the advancement of human rights and freedom”. The Bill of Rights (Chapter 2 of Constitution) highlights equality of all persons. It specifically mentions the right to equality and non-discrimination against persons on the grounds of disability (Section 9(2-3)). These rights and values provide a solid rationale and basis for local Government to priorities the area of disability for action within their core mandate.

Despite the remarkable progress government has made in developing enabling legislation, transforming the state machinery and putting in place in order to be representative and responsive to the developmental need of the people with disabilities, the majority of the people with disabilities are still exposed to restrict environment and barriers that continue to marginalise and exclude them from mainstream society and its social and economic activities. People with disabilities remain focused on the provision of grants. The core developmental social services categories and addiction and the levels of intervention, namely prevention, early intervention, statutory intentions and reconstruction and after-care remain negligible.

A lack of focus on children and women with disabilities and inadequate support to NGO providing services to people with disabilities remained to be trapped in the quagmire of poverty. The Local Government sphere shall maintain an environment that support and enables people with disabilities

to achieve their maximum potential. This environment will ensure that people with disabilities are not discriminated against and are provided with equal access to opportunities that facilitate in all aspects of life in a democratic society.

Therefore, MLM is committed in addressing the plight of people with disabilities and that of marginalised and vulnerable groups, namely by:

- 1.1 Creating a conducive environment to address disability issues in the municipality.
- 1.2 Providing vital tools in order to create a just and equitable society, giving full effect to departmental and constitutional values.
- 1.3 Providing guidance on the development and implementation of programmes aimed at promoting the rights and freedom of people with disabilities.
- 1.4 Implementing a joint planning, effective and efficient inter-sectorial and inter-departmental collaboration of co-ordinated process of development through institutions of government and the commitment and allocation of resources to address the identified needs.
- 1.5 Advocating the mainstreaming of disability into the MLM's department and directorate.

1. PURPOSE

The purpose of this policy is to set out guidelines for MLM to ensure that:

- The interests and needs of people with disabilities are taken into account by provision of accessible and equitable service;
- The needs of disabled persons with the municipality are addressed and that disabled persons that approach the municipality for assistance in terms of its mandate receive assistance and support
- People with disabilities are protected and empowered to enable them to live an independent sustainable life;
- Through education and awareness campaigns, myths and wrong perceptions about people with disabilities are curbed;
- Implementing affirmative action measures to redress disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce.

2. LEGISLATIVE REQUIREMENTS

The document must be read in conjunction with, and amongst others, the following pieces of legislation and other documents that relate to disability.

- 2.1 United Nations Comprehensive and International Convention on the protection and protection and promotion of the Rights and Dignity of Persons with Disabilities.
- 2.2 United Nations Convention on the Rights of the Child.
- 2.3 World Programme of Action Concerning Disabled Persons.
- 2.4 UN Declaration of Human Rights
- 2.5 South African Constitution, Act No. 108 of 1996.
- 2.6 African Charter on the Rights of the Child.
- 2.7 South African Disability Human Rights Charter.
- 2.8 Plan of Action on the African Decade for Disabled People.
- 2.9 Standard Rules on the Equalisation of Opportunities for Disabled People

3. SCOPE OF APPLICATION

- 3.1 This document shall accommodate people with disabilities and other settings, for example, older persons, youth, women and children.
- 3.2 to ensure that the rights of the people with disabilities are not violated.
- 3.3 applicable to working environment as well as facilities of the residence and community.

4. STRATEGIC OBJECTIVES

- 4.1 Serve as overarching policy framework on disability with the municipality;
- 4.2 Define the role of diverse municipal workforce incorporating persons with disabilities and diverse programmes;
- 4.3 Increase number of people with disabilities actively participating in economic activities;
- 4.4 Facilitate transformation shift within the municipality and society as a whole regarding disability issues.
- 4.5 Universal (non-discriminatory) design adopted in all systems and programmes of the municipality.

5. VISION

- 5.1 To guide and inform the mainstreaming of disability through developing and implementing departmental strategies and integrated service delivery programmes through provision of integrated

social services to people with disabilities. Persons with disabilities still face multiple barriers to equal participation in the society.

6. CRITICAL SUCCESS FACTORS

- 6.1.** To ensure integration of the disability issues are in all MLM departmental strategies, planning and programmes.
- 6.2.** The approach should be augmented by an integrated and coordinated management system for planning, implementation as well as monitoring and evaluation of programmes by departments, thus utilising structures such as the Public Participation Working Committee in order to realise this goal.
- 6.3.** This should prioritise programmes that include but not limited to: Health care, rehabilitation, public education, barrier free access, transport accessibility, data collection and research, social security, community development, sport and recreation.

7. KEY FOCUS AREAS FOR MAINSTREAMING OF DISABILITY ISSUES

7.1. MUNICIPAL TRANSFORMATION AND ORGANISATION.

- 7.1.1.** Services delivered at this level should aim at strengthening and building the capacity and self-reliance of the people with disabilities.
- 7.1.2.** This relates to mainstreaming focusing on MLM's programmes including awareness, educational/information programmes, as well as advocacy aim at: raising awareness on disability issues (eg. Rights of people with disabilities), conscientising communities on the rights of people with disabilities as well as advocating on behalf of people with disabilities to access services and resources.
- 7.1.3.** The details of this aspect should be contained on the internal disability policy developed and implemented by Employment Equity Unit.

7.2. BASIC SERVICES DELIVERY AND INFRASTRUCTURAL PROVISIONING.

- 7.2.1. In compliance to the mandate bestowed by the Municipal Systems Act 32 of 2000, MLM should deliver services to local communities within its jurisdiction to ensure quality of life is improved including the standard of living of people with disabilities.
- 7.2.2. The primary focus should be on ensuring universal accessibility of basic services such as water, food parcels, sanitation, electricity and housing to people with disabilities.

7.3. LOCAL ECONOMIC DEVELOPMENT.

- 7.3.1. Promoting sustainable livelihoods for people with disabilities should focus on building self-reliance and sufficiency, enhance their skills and thereby enhance their chances of employment in terms of other economic opportunities that may exist and on improving their lives on social and economic level.
- 7.3.2. The municipality should support programmes that contribute in addressing poverty, promoting sustainable livelihoods, ensuring equity in the distribution of resources and gender balance in the consolidation of skills development.
- 7.3.3. Developing and implementing strategies to facilitate and increase participation of people with disabilities in socio-economic programs of the municipality.
- 7.3.4. Municipality should develop practical interventions that seek to increase employment and entrepreneurial opportunities for people with disabilities.
- 7.3.5. The municipality should develop and ensure implementation of preferential procurement methods that afford entrepreneurs with disabilities opportunities to render services.
- 7.3.6. Develop a database of entrepreneurs with disabilities should be developed for easy reference, access and equitable service delivery.

7.4. MUNICIPAL FINANCIAL VIABILITY

- 7.4.1. MLM should ensure that people with disabilities contribute in the financial viability of the municipality by investing in developing their capacity to play a meaningful role in local economic development.
- 7.4.2. The empowering of people with disabilities will promote their independence, financial freedom and reduction of the number of persons and families relying on indigent polices.

- 7.4.3. People with disabilities should be in a position to pay their taxes and rates, which would afford the municipality opportunities to attract investors and further enhance the MLM's financial viability.

7.5. PUBLIC PARTICIPATION AND GOOD GOVERNANCE

- 7.5.1. People with disabilities should have the right to self-representation in processes and structures of decision-making on issues that affect them.
- 7.5.2. In situation where they cannot represent themselves they have the right to choose/nominate a member to represent themselves.
- 7.5.3. MLM should strive to ensure barrier free accessibility to buildings where services are rendered, community meeting are held and share information in an accessible manner, including Braille and sign language.
- 7.5.4. Persons with disabilities should be represented from Ward Committee levels which are structures that represent communities and submit community recommendations to Council

8. ROLES AND RESPONSIBILITIES

8.1. KEY INSTITUTION MECHANISMS AND PROCESSES.

- 8.1.1. The office of the Mayor should establish a PWD Unit.
- 8.1.2. SPU Manager should seek to get a buy-in from Council (highest political authority) to support disability interventions in the municipality and the surrounding community.
- 8.1.3. SPU Manager shall facilitate establishment of the Disability Forum which will serve a term agreed upon in their action plan
- 8.1.4. The consultation and participation of people with disabilities in IDP & LED forum should be encouraged.
- 8.1.5. People with disabilities should get access to all municipal information and services.
- 8.1.6. Programmes of raising awareness and promoting disability issues and rights among all municipal staff and community should be conducted.
- 8.1.7. Disability programming and implementation processes must be handled by managers in different department of the local municipalities.
- 8.1.8. Disability programming processes should be headed by an official holding a position of authority to afford the incumbent the opportunity to sit in make inputs in meeting of decision-making structures.

- 8.1.9. The SPU manager should implement agreed performance management targets related to disability.
- 8.1.10. The incumbent should ensure a twin-track approach to mainstreaming disability components in all the departments/directorate of the MLM's disability focal persons.

8.2. THE ROLE OF THE PWD SUB UNIT

- 8.2.1. Liaise with the Provincial and Local Government Department and Office of the Status of PWDs in the Department of Social Development on disability issues.
- 8.2.2. Coordinate and mainstream disability policies in strategies and structures
- 8.2.3. Monitor and evaluation programmes implemented by departments and directorates for disability responsiveness or sensitivity.
- 8.2.4. Develop progress reports on Disability Forums.
- 8.2.5. Lead the processes of developing sector-specific indicators in municipality
- 8.2.6. Conduct sector-specific analysis on disability disparities to ensure a comprehensive sector plan.
- 8.2.7. Provide guidance for disability analysis and facilitate mainstreaming of disability into the IDP.
- 8.2.8. Develop a Municipality Disability Action Plan in conjunction with departments and directorates.
- 8.2.9. Ensure the implementation of the Disability Policy for the municipality.
- 8.2.10. Facilitate inter-departmental collaboration among departments as well as non-governmental organisation.
- 8.2.11. Build capacity within the municipality so as to enable it to develop inclusive policies and programmes which are sensitive to the needs and rights of disabled persons and reflect the paradigm shift to a human rights and development approach.

8.3. THE ROLE OF DISABILITY FOCAL PERSON

- 8.3.1. Facilitate the integration of disability components into budgets, programmes, policies, legislation and strategies.
- 8.3.2. Implement programmes of benefit to people with disabilities in conjunction with civil society organisations of and for people with disabilities, as per MLM's Disability Action Plan.
- 8.3.3. Prepare and submit reports to Portfolio committees and to management structures.
- 8.3.4. Include disability information in all reports.

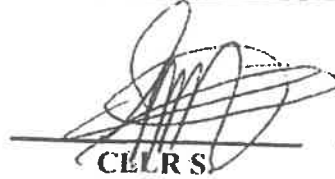
9. IMPLEMENTATION, MONITORING & EVALUATION

- 9.1.** Studies should focus on the socio-cultural and economic aspect of disabilities in order to determine attitude and behavioural patterns.
- 9.2.** The results of the research study should recommend approaches suited to the realities of a humane environment.
- 9.3.** Research should deal with matters that affect the people with disabilities in areas related to social, economic and participation issues.
- 9.4.** Impact assessment process and monitoring tool should be established and implemented in order to ensure general human rights of people with disabilities are upheld and that programmes and services are rendered efficiently and effective manner.
- 9.5.** A framework to promote, protect and monitor the implementation of this policy should be developed in accordance to the legal and administrative system, at a district and local municipal level.
- 9.6.** A monitoring tool will serve as a guide to determine the satisfaction rate of the recipient as well as an educational tool to create awareness. The Implementation Plan will serve as a monitoring tool in terms of guiding the Civil Society and other stakeholders in their programme.

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