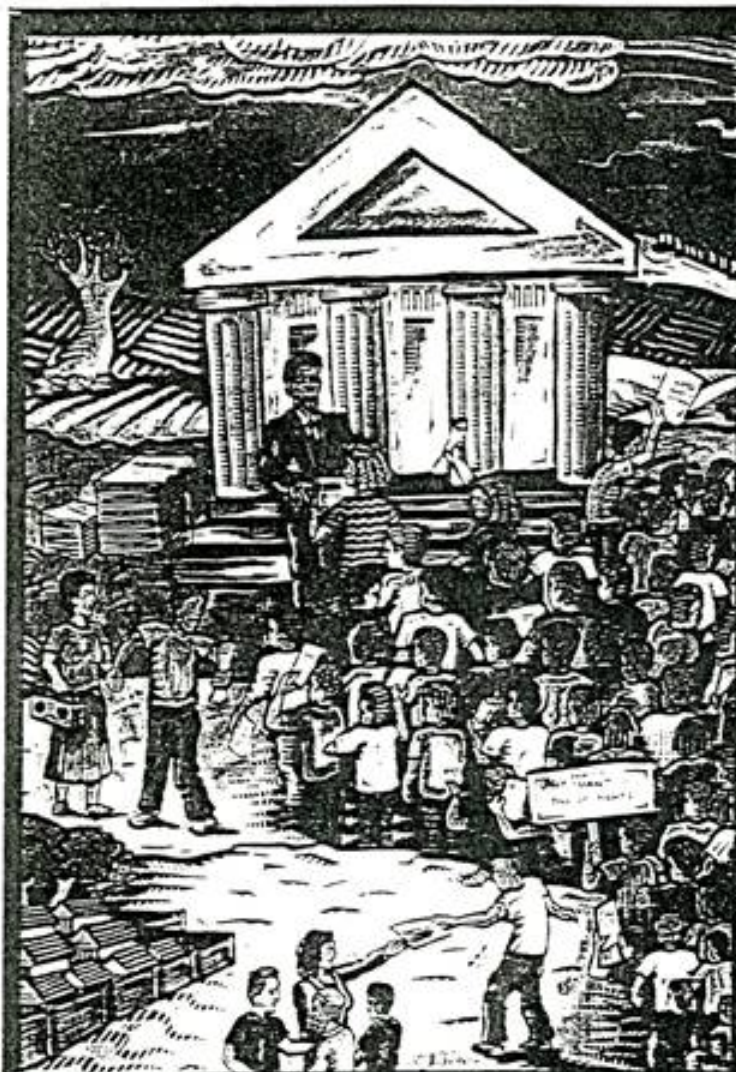


SOUTH AFRICA



C O V E R

On May 8, 1996, moments after the constitution was approved, artists commissioned by the state unveiled a mural on the side of a government building opposite the gates of Tuynhuys, the presidential office in Cape Town. It's panels depict the social and economic transformation underway in South Africa following the country's first democratic elections in April 1994.

The constitution is the product of a process of political negotiation and compromise whose aim was to draft a founding document the provisions of which had been established by consensus. Within this framework it had also to conform to 34 specific principles established as part of the political settlement signed in the early hours of November 18 1993 and which gave rise to the democratic elections of April 27 1994. Moreover, the Constitutional Court had to certify that it did indeed comply with those principles.

The constitution was signed into law on December 10 1996 as the Constitution of South Africa Act 108 of 1996 and came into effect on February 4 1997. It is the supreme law in South Africa. Parliament and all other governing bodies are subordinate to it and no other law can contradict any of its provisions.

The constitution consists of a preamble that acknowledges the injustices of the past and dedicates the nation to building a democratic and open society, followed by 14 chapters containing 244 clauses and seven schedules. The following pages provide a précis of the constitution's provisions.

The Constitution

of the Republic of South Africa, 1996



Act 108 of 1996

Chapter 2: Bill of Rights

Equality

9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, disability, ethnic or social origin, colour, sexual orientation, age, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

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The Strength of Community

Keynote address : M. M. Rantho

There is something exceptionally inspiring and powerful about this group of women gathered here today. This room holds in it a collection of life stories of disabled women from all over the world. Stories, which will be shared with one another during the next few days and hopefully throughout our lifetimes. I have been asked to share my story with you and to tell you what in a sense has led me here today. Although I speak alone, I carry with me many voices of disabled women in South Africa.

Many of us here know of a life before disability. And many of us will recall feeling that life held nothing for us after disability. Today our presence here bears testimony to how wrong we were to assume that life was over. Our perceptions were influenced by how our societies view people with disabilities. And we all know that nothing much would have been achieved if we had been satisfied with the place society had assigned to us.

Prior to a car accident in 1977, I had established a career as a nurse. I was consequently forced to resign and I assumed that this was a normal practise since I had become disabled and was led to believe that I could no longer perform my job effectively.

However, when it came to my attention that white disabled nurses were given the option of applying for work within the field of nursing, I realised that it was a racial issue. As black, disabled nurses, we came together and challenged this. Several meetings were held with the South African Nursing Association and Council. By conducting a pilot study, it came to our attention that 120 black nurses were unemployed after becoming disabled. We held a case against the SA Nursing Council and won. This did not necessarily ensure equity in a country where discrimination was law, but we had won a small battle by challenging the system.

I realised that by belonging to an organisation, I could be part of a collective disability movement. The disability rights struggle in South Africa can be traced back to Soweto on June 16, 1976, when police responded with fire against a peaceful march by school children who were protesting against the use of Afrikaans as a medium of instruction schools. A new phase in the liberation struggle in South Africa had begun.

Black South Africans were exposed to daily killings, torture, stonings, boycotts, protest marches and detentions, with scarcity of food, lack of job opportunities, lack of freedom of movement in the years to come.

A large number of youth that participated in the struggle following the June 16 uprisings were disabled through their participation in the struggle. These disabled activists suddenly found themselves on the sidelines, unable to lead, yet too angry to sit at home in self-pity. Just imagine the position of a disabled person in this same community - equally poor and underdeveloped, and even less able to live an ordinary life. And thus the disability rights movement in South Africa emerged out of the oppression and killings of the late seventies and early eighties.

Disabled people started a period of mobilisation and organisation to fight the apartheid system, and to fight for their rights as equal participants in the liberation struggle. Sixty percent of the first Executive Committee of Disabled People South Africa that was founded in 1984, were disabled people shot by the police.

Mobilisation and organisation of disabled people took place premoninantly in the urban and peri-urban areas of South Africa during the first five year of DPSA's history. The Self Help Association of Paraplegics in Soweto - better known as SHAP - became a beacon of hope for people with disabilities across the country.

The late Friday Mavuso inspired both urban and rural based people with disabilities. Reaching the rural masses is a vital component in the development of any national liberation movement.

Mobilisation and organisation of disabled people that were living in the former Bantustans started in 1989 with the assistance of disability activists working in these areas.

Disabled People South Africa has today grown to an organisation with almost 200 affiliate community based disabled people organisations, a strong disabled women's movement, a strong rural base in terms of organisation development and it is the leading disabled people organisation in South Africa.

When joining Disabled People South Africa, as women we at first faced gender imbalances in the structures of the organisation. The women strategised as to how the constitution of the organisation could redress these imbalances. We even reached the point of threatening to leave the organisation if their matters were not attended to as an urgent priority. A resolution was taken and I was given the responsibility of having to come up with a women's development programme, which is currently operating in seven provinces of South Africa.

Prior to the unbanning of left wing political organisations in South Africa, Disabled People South Africa was regarded as an extension of the liberation struggle. We therefore were given no support from the state to achieve the objectives which we had set out.

In addition to this, the white members of our organisation had access to a better quality of life accorded to them by South Africa's racist policies.

South Africans with disabilities astounded the nation on April 26-28, 1994 when they braved the bombs and threats that preceded South African's first ever democratic elections to participate in a turning point in South Africa's history of discrimination and human rights abuses. Images of disabled people queuing at the kilometres-long polls, arriving in wheelbarrows, being led by family members, and some crawling for kilometres to cast their first vote filled our television screens during those historic three days.

DPSA entered into negotiations with the African National Congress as the government in waiting soon after their unbanning to discuss participation of disabled people in the reconstruction and development of a post-apartheid South Africa. These negotiations resulted in, among others,

- * clear commitment from the ANC to ensure that disabled people be identified as a target group for development in the new democratic order,
- * that disabled people have the right to self representation, and

* in myself being placed on the proportional representation list for the National Assembly

A disability desk has also been established in the office of the Deputy President.

Initially, a Gender and Youth desk were the only structures which had been established in the office of the D.P. As disabled people, we advocated for a disability desk which should not be situated in any particular line function, but which should cut across all line functions. In November/December of 1994, there were statement by the office of the President which indicated that they could not get hold of me to discuss the prospect of the establishment of a disability desk.

Following this, I made endless communications, with the view of correcting perceptions. I decided to be proactive and on January 9th 1995, I went to the President's office. Uninvited I approached the advisor and insisted that I would not leave until disabled people were given an office to work from. They thought that they were dealing with an insane women, but soon realised that we would have to be forcibly removed! By the end of that day, we were given an office.

A Green Paper on an Integrated National Disability Strategy was released three months later. This is presently in the process of becoming a White Paper. The ANC led government has achieved more in equalising opportunities for people with disabilities since coming into power in 1994 than the National Party regime did in 48 years of being in power.

The United Nations Special Rapporteur has already reported that disabled people organisations in South Africa are of the opinion that the South African Government is about 37% into implementation of the U N Standard Rules on the equalisation of opportunities for people with disabilities. This is no mean feat, considering that the ANC has only been in governance for 2 ½ years!

South Africa is experiencing an era of reconstruction and development. Legislation, policies and approaches are being reviewed to ensure that they contribute to the process of democratising the state and civil society. Disabled persons view this period as the way towards equalisation of opportunities for persons with disabilities.

The adoption of the new constitution heralded a new era for disabled South Africans. Clauses in the Bill of Rights includes the rights to Equality and Dignity, equal access to education and the recognition of Sign Language as the official language of Deaf South Africans.

These achievements, among others, have provided disabled citizens with a new sense of patriotism and a sense of belonging to this country. But we have a long way to go in achieving true equity.

Some of the lessons we have learnt during the years of struggle for the recognition, protection and promotion of rights of disabled people, and women with disabilities living in South Africa, in particular, include

- * liberalisation of both disabled women and men and their families is vital for the full participation of women with disabilities in community organisations.
- * the biggest disability disabled women face is often the lack of exposure and access to information
- * projects and development aimed at empowering disabled women must be initiated by disabled women themselves - it is the facilitator's responsibility to make information available, but it is the responsibility of the disabled person to take action

Disabled women, when they are organised, can play a key role in becoming effective change agents in the democratisation and transformation process.

I would like to urge each one of us here today, to continue to be instruments of change and channels of power. Together, we are an indestructible force.

I thank you

**Disabled
People
South
Africa**



*Nothing about us
without us*

Fund-raising Ref. No. 01 100461 000 7

The mission of the DPSA is 'to act as an effective and efficient democratic National assembly of all persons with disabilities. It mobilises them to advocate for their rights (especially women and children's rights) for the attainment of equal opportunity in an integrated social, political and economic environment'

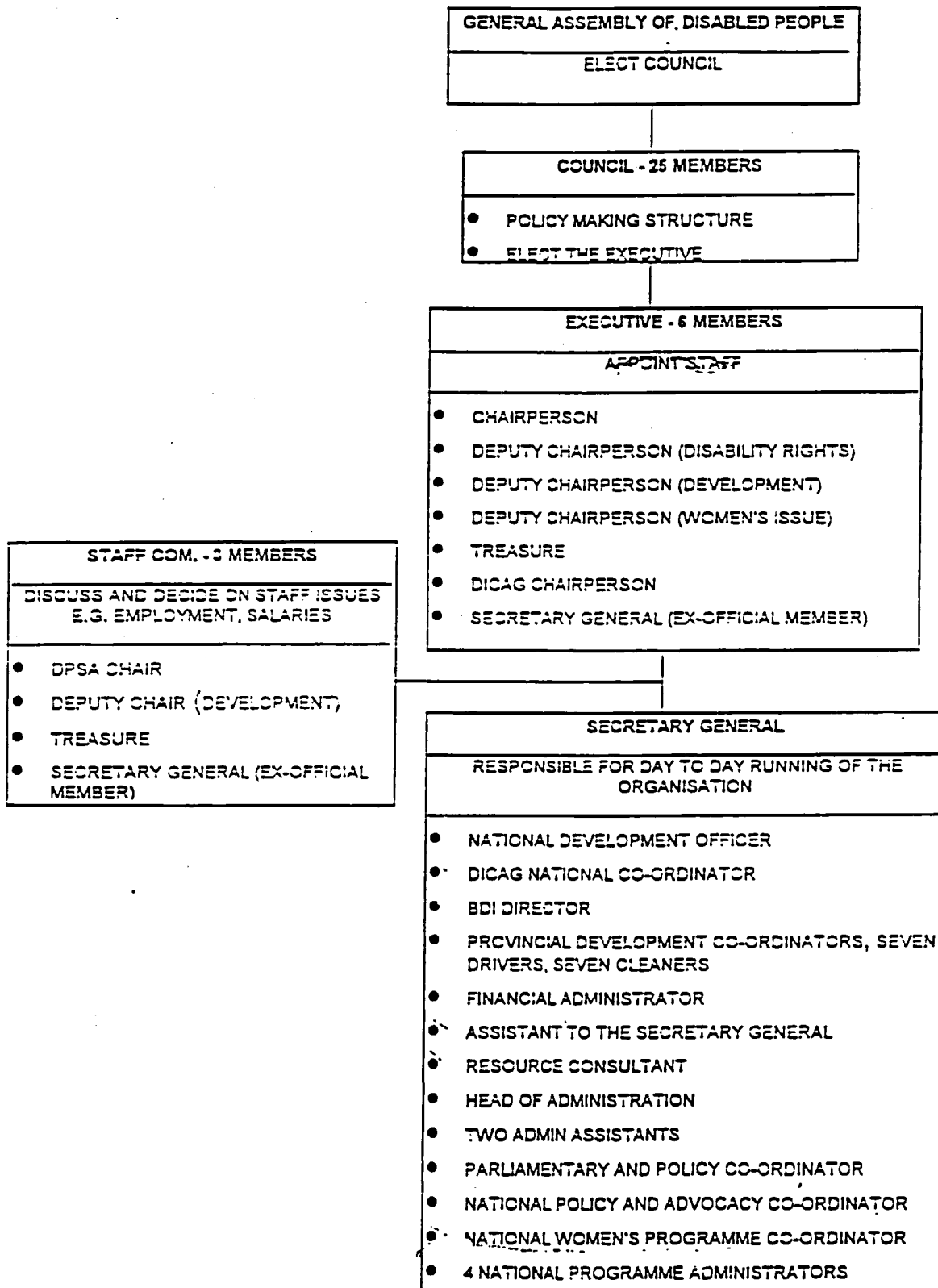
2. PROGRAMMES

- ❖ Legislative and policy changes through advocacy and self representation in civil society structures.
- ❖ Job creation and business development for persons with disabilities.
- ❖ Awareness raising regarding the plight of persons with disabilities.
- ❖ Membership development and mobilisation of persons with disabilities.
- ❖ Women and children's development programmes.

3. STRUCTURE

The organisational structure of DPSA is depicted in Fig 1 of this manual overleaf.

DISABLED PEOPLE SOUTH AFRICA : STRUCTURE OF THE ORGANISATION



DISABLED PEOPLE SOUTH AFRICA

MEMBERSHIP AND POLICY DEVELOPMENT PROGRAMME

The current transitional phase in South Africa presents unique opportunities for disabled people to participate in the decision making process and to secure the commitment of the new democratic government to producing policies which will benefit disabled people.

To this end, DPSA, funded by the Danish Council of Organisations of Disabled People (DSI), funded a 3 year Membership and Policy Development Programme in 1996, to enable disabled people to be actively involved in policy making processes and to allow for self representation of disabled people in decisions which affect their lives.

The Present Situation

Disabled people in South Africa, estimated at over 4.8 million, have been among the worst victims of apartheid policies and practices. Apartheid has been a direct cause of disability in terms of people injured in the apartheid struggle as well as through the structural poverty imposed on the Black population of the country. These same circumstances have caused the lives of disabled people to be characterized by poverty, deprivation, isolation and gross violation of human rights.

DPSA aligned itself with the Patriotic Front in the struggle against apartheid and lobbied for the recognition of disability as a human rights and development issue by the main players in the negotiations for the New South Africa as well as the participating parties in the Government of National Unity, particularly the African National Congress.

Until the recent change of government, the vast majority of disabled people in South Africa found themselves doubly discriminated against, on the grounds of their disabilities and on their race as a result of apartheid policies and practices.

Thus, disabled black people face inadequate rehabilitation and health services in hospitals, and are then discharged back to the same conditions of deprivation and discrimination which lead to their injuries in the first place, will be little or no follow-up or aftercare.

There are chronic housing shortages in black townships, purposely created by the previous government authorities as a means of discouraging urbanization of blacks.

These townships are generally inadequate for disabled people because of the small size of houses and due to the factor of overcrowding. Levels of education among black disabled people are low as a result of the notoriously inferior Bantu education system, as well as due to the fact that many have had their formal education interrupted by medical treatment and other factors.

When a family lives in poverty, it does not devote its scarce resources to the education of those least likely to bring the family an income in the future.

Furthermore, South Africa still follows the policy of special education for disabled people whereby schooling takes place in segregated institutions. Mainstream schools are discouraged from accepting disabled children in favour of special schools which are in short supply. This results one's disabled children not receiving any formal education at all.

Most disabled people are unemployed as a result of prejudice, inadequate training, and the inaccessibility of transport and buildings. Disabled people are thus generally excluded from such critical development inducing life experiences as decision making and normal social interaction. Many just sit at home alone while their peers go to school, work, fall in love and marry.

The net effect of all these factors is that the disabled community in South Africa is the most disadvantaged in respect of education, health, housing, employment, and social interaction. The level of self esteem among disabled people is very low, thus contributing to the non-participation of disabled people in the decision making processes currently taking place in South Africa.

There is general incapacity affecting the disabled people's movement in South Africa as a result of which policy positions affecting the lives of disabled people have not been effectively articulated. A combination of insufficient training opportunities and lack of adequate resources has resulted in DPSA and its growing constituency being further disempowered and marginalised.

There is therefore a need for the MPDP to create the necessary enabling environment for DPSA and the disability movement to develop and evaluate policies at regional and national levels with a view to ensuring that the sectoral needs of disabled people in the six target key sectors are addressed. This approach takes into account the need to ensure that disabled people's needs are taken into account in the development of legislation to be tabled in Parliament towards the development of a White Paper on an Integrated National Disability Strategy.

STAFF COMPONENT

The ANC has given Maria Rantho permission to establish an office in Parliament for the staff of the MPDP, for the purposes of making her influence in Parliament move effective in the area of disability.

Maria Rantho

Member of (ANC) Parliament - South Africa
Member of the Portfolio Committee on Public Service and Administration
Member of the Portfolio Committee on Communications
Member of the Portfolio Committee on Welfare
Member of the Portfolio Committee on Reconstruction and Development

Shelley Barry

National Policy Development Co-ordinator for the Membership Policy Development Programme - Disabled People South Africa.

Patrick Nkosi

National Advocacy Co-ordinator for the Membership Policy Development Programme - Disabled People South Africa

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Abridged Report of Parliamentary Work 96/97

Inputs on Disability into Budget Debates / Bills

Maria Rantho, with the assistance from the project was able to ensure that most of the key debates held in Parliament included input on disability and the needs of disabled people in relation to the responsibilities of that specific line function department. Briefing documents were drawn up and used by various parliamentarians in their speeches.

This exercise is extremely beneficial in that it raises awareness for many Parliamentarians about disability and the responsibilities which are needed from different sectors of government.

Parliamentary Lobby Network

Disability presentations are given on an ongoing basis to the main Portfolio Committees in Parliament. These presentations allow for the opportunity to discuss the needs and rights of people with disabilities to the committee's specific area of responsibility.

Presentations are given by key people within the disability sector.

In addition to this, the National Policy Co-ordinator is responsible for providing information or research on disability to Parliamentarians, in order for any policy makers to incorporate disability issues in their area of work.

Monitoring of Government Policies

Discriminatory policies have to be examined and amended in order to ensure that the disability sector becomes more advantaged.

Current Legislation must incorporate adequate provision for people with disabilities.

Consultation and workshops enable the Co-ordinator to engage the disability sector in contributing to the policy making processes.

Representivity

Although the MPDP cannot claim sole responsibility for recent achievements, people with disabilities today enjoy self representation on a number of key constitutional and monitoring structures:

The South African Human Rights Commission
The Gender Commission
The Youth Commission
The South African Broadcasting Co-operation Board
The National Training Board
The South African Tourism Board
Office of the Status of Disabled People
(Deputy President) Disability Desk in Mpumalanga

POLICY DEVELOPMENTS

The adoption of the new Constitution which heralded a new era for disabled South Africans. It has extended full citizenship to them through the Bill of Rights. Clauses such as those on the right to Equality and Dignity, equal access to education, and the recognition of Sign Language as the official language of Deaf South Africans, have provided disabled citizens with a new sense of patriotism and a sense of belonging to this country;

Cabinet adopted the Green Paper on an Integrated National Disability Strategy during February 1996. The Disability Programme in the Office of the Deputy President subsequently conducted an extensive public participation process throughout all nine provinces which provided the majority of people with disabilities with their first opportunity ever to actively participate in the policy-making process. This culminated in the national Public Hearings which were held by the RDP Portfolio Committee in August 1996.

A number of line functions have to be commended on the actions already taken on the tentative recommendations contained in the Green Paper on the National Disability Strategy. These included, among others

- * The Department of Health has declared war on the back-log in assistive devices that was created over 48 years of National Party rule with the launch of a lead project in Mpumalanga. This and the subsequent national assistive devices project aim to provide people with disabilities presently confined to back-rooms, with wheelchairs, thereby enabling them to participate in the growth and development of their communities. The target set by the Department of Health is to reduce the backlog in wheelchairs, bearing aids etc. by 60% over the next year;
- * The Department of Public Works has brought about tremendous improvement in barrier free access to strategic buildings owned by the Department;
- * The Education Department has established a National Commission on Special Needs in Education and Training and a National Committee on Education Support Services. They will present their recommendations on the restructuring of the education system at all levels of education to accommodate the diverse needs of all learners within a single education system to the honourable Minister of Education in October 1997;
- * The adoption of the Labour Relations Act together with clauses contained in the Green Paper on Employment Equity and the Basic Conditions of Employment respectively, recognise the rights of workers as well as job-seekers with disabilities to equal opportunities within the labour sector;
- * The Public Service and Administration White Paper for the first time in the history of South Africa sets clear targets for the employment of people with disabilities in the public sector;
- * The Social assistance Act for the first time extends Special Care Grants to all children with severe disabilities, thereby removing discriminatory conditions which existed before;
- * The Melamet Commission's report on improving safety in mines have been accepted by government and is in the process of being implemented;
- * The 1996 Paralympics and Special Olympics clearly indicated the talent among our disabled sportsmen and women, and we call on the Department of Sport to step up initiatives for the implementation of a sport development programme for disabled athletes in disadvantaged areas;

- * This government's commitment to consultation with its electorate has translated into people with disabilities being represented on the South African Human Rights Commission, the National Youth Commission and the Commission on Gender Equality, among others;
- * The Office on the Status of Disabled Persons in the Office of the Deputy President will be in place at the beginning of the coming financial year. The OSD will be responsible for the co-ordination and monitoring of the implementation of the National Disability Strategy. It will be assisted by Disability Desks within provinces, the first of which is due to start operating within weeks in Mpumalanga. The White Paper is due to go to Cabinet within the first quarter of 1997, and will be tabled to Parliament towards the end of the first session;

The Way Forward

The Membership and Policy Development Programme will continue to facilitate the development and amendment of legislation in favour of people with disabilities

The main problems currently faced by the project is that legislation needs to translate into a living reality for people with disabilities on a grassroots level. This is a slow process and it will take many years to dismantle the structures created by the Apartheid regime. However, we envision that people with disabilities in South Africa will become empowered citizens of a country whose history forced them to be marginalised and isolated.