

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

## Presentation to the PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT **DRAFT** 2016

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# SUPPORTING DOCUMENTS

Documents contained in the Policy Packs include:

- White Paper on the Rights of Persons with Disabilities and its Implementation Matrix
- Census 2011 Disability Report
- Disability Disaggregation of the National Development Plan
- Study on Elements of the Cost of Disability on Household Expenditure
- Study on the Experiences of Persons with Disabilities in Learnerships, at Institutions of Higher Education and in Employment

# PRESENTATION OUTLINE

- **White Paper on the Rights of Persons with Disabilities**
  - Status
  - Context
  - Pillars
  - Institutional Arrangements
  - Monitoring Approach and Mechanisms
- **Implementation Approach**
- **Role of Parliament**
- **Conclusion – ‘Leave No One Behind’**



# STATUS

**9 December 2015**

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

**10 March 2016**

WPRPD launched at the National Disability Rights Summit

Policy direction of **Disability Rights Mainstreaming** remains the  
same

# CONTEXT

## The Policy:

- is aligned to the National Development Plan
- is a fore-runner of full domestication of the UNCRPD
- strives to accelerate embedding of disability mainstreaming in governance and administrative systems
- promotes strengthening of accountability by duty-bearers as well as recourse mechanisms for rights-holders
- advocates that ALL persons with disabilities and their families benefit (persons with disabilities is not a homogenous group - race, gender, age, impairment, socio-economic status, geographical location etc matters and impact on opportunity access and participation)

## The Policy:

- Updates South Africa's 1997 White Paper on an Integrated National Disability Strategy (INDS),
- Integrates obligations of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and in the Continental Plan of Action for the African Decade of Persons with Disabilities (both of which South Africa has signed), with South Africa's legislation, policy frameworks and the National Development Plan 2030,
- Endorses a mainstreaming trajectory for realising the rights of persons with disabilities,
- Provides clarity on and guides the development of standard operating procedures for mainstreaming disability,

- Guides the review of all existing, and the development of new, sectoral policies, programmes, budgets and reporting systems to bring these in line with both Constitutional and international treaty obligations,
- Stipulates norms and standards for the removal of discriminatory barriers that perpetuate the exclusion and segregation of persons with disabilities,
- Broadly outlines the responsibilities and accountabilities of the various stakeholders involved in providing barrier-free, appropriate, effective, efficient and coordinated service delivery to persons with disabilities, and
- Guides self-representation of persons with disabilities.



# WPRPD 9 STRATEGIC PILLARS

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



# Pillar 1 – Removing Barriers to Access and Participation

- Changing attitudes and behaviour
- Access to the built environment
- Access to transport
- Access to information and communication
- Universal Design and Access
- Reasonable Accommodation Measures

**Cuts across all Portfolio Committees as well as Parliament's Administrative Processes**

## **Pillar 2 – Protecting the Rights of Persons at risk of Compounded Marginalisation**

- The right to life
- Equal recognition before the law
- Access to justice
- Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse

**Portfolio Committees on Justice and Correctional Services,  
Police and Social Development**

# **Pillar 3 – Supporting Sustainable Integrated Community Life**

- Building socially cohesive communities and neighbourhoods
- Building and supporting families
- Accessible human settlements/neighbourhoods
- Access to community-based services supporting independent living
- Protection during situations of risk and disaster

**Portfolio Committees on Social Development, Human Settlements, Cooperative Governance & Traditional Affairs, as well as Basic Education, Health and Sport and Recreation**

# Pillar 4 – Promoting and Supporting Empowerment of Persons with Disabilities

- Early childhood development
- Lifelong education and training
- Social integration support
- Access to health care and lifestyle support
- Supported decision-making
- Strengthening recourse mechanisms

**Portfolio Committees on Social Development, Basic Education, Higher Education & Training, Health, Sport & Recreation, and Justice and Correctional Services**

# Important Indicators for measuring progress

(access, diversity, quality)

- Enrolment in Early Childhood Development Programmes
- Grade R enrolments
- School enrolment vs drop-outs vs exclusion
- Assistive devices backlogs
- Number of districts without rehabilitation professionals
- Peer and parent empowerment programme access
- Empowerment and supported decision-making for those with severe communication/behavioural/intellectual disabilities
- Access to recourse mechanisms

## **Pillar 5 – Reducing Economic Vulnerability and Releasing Human Capital**

- Disability, poverty, development and human rights
- Access to decent work and work opportunities
- Persons with disabilities as owners of the economy
- Reducing the cost of disability for persons with disabilities and their families

**Portfolio Committees on Social Development, Labour, Small  
Business Development, Trade & Industry, Economic  
Development, Health, Public Service & Administration and  
National Treasury (SARS)**

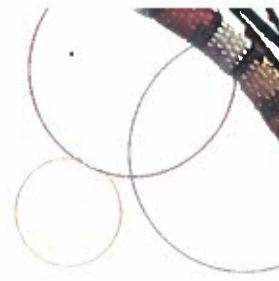
# Important Indicators for measuring progress (access, diversity, quality)

- Comparative poverty status of households affected by disability
- Social assistance contributions to the economy
- Employment rates (public and private sector, small and designated)
- Unemployment rates/economically active
- Growth/decline in cooperatives owned by persons with disabilities (number and turnover)
- Enterprises owned by persons with disabilities doing business with government

## **Pillar 6 – Strengthening the Representative Voice of Persons with Disabilities**

- Strengthening Access and Participation through Self-Representation
- Recognition of representative organisations of persons with disabilities (inclusive of parents organisations)
- Strengthening the diversity and capacity of DPOs and self-advocacy programmes
- Public participation and consultation
- Self-representation in public life

**Portfolio Committee on Social Development  
All Portfolio Committees; Parliament as an Institution**





# REPRESENTATIVE ORGANISATIONS

- Organisations of Persons with Disabilities (DPO's) constitute the representative voice of persons with disabilities
- Membership-based organisations
  - Managed and controlled by persons with disabilities.
  - Inclusive of parents organisations
  - Usually represented by their elected leadership
  - NB to strengthen under-represented voices (Deafblind persons; persons with psychosocial disabilities; persons with intellectual disabilities; children with disabilities; persons with epilepsy etc.

**Disability Service Organisations (DSOs) cannot speak on behalf of persons with disabilities. Their clients must either join DPOs to have a voice, or form their own DPOs independent from the DSO**

**Usually represented by senior staff members, participating in Service Delivery Forums**

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# Pillar 7 – Building a Disability Equitable State Machinery

- Disability Equitable Planning, Budgeting and Service Delivery
- Disability Equitable Evidence informing Policy and Programme Development (Monitoring, Evaluation, Reporting, Research, Data and Statistics)
- Public Procurement and regulation
- Capacity Building and Training
- Strengthening Accountability

**All Portfolio Committees  
Parliament as an Institution**



## **Pillar 8 – Promoting International Co-operation**

- Include disability in all international engagements and agreements
- Support disability mainstreaming and strengthening participation in the Pan African Parliament, AU, SADC and other such organisations
- Develop and implement a national disability rights agenda on international cooperation

**Portfolio Committees on International Relations and Cooperation**  
**All Portfolio Committees**  
**Parliament as an Institution**

# INSTITUTIONAL ARRANGEMENTS

- National coordination mechanism within government is responsible for overall coordination and monitoring (currently located in DSD)
- Designation of disability rights coordinators within each department, at national, provincial level and at municipal (institutional) level
- Cooperative governance structures
  - Within government
  - Between government and other social partners, in particular organisations of and for persons with disabilities

# NATIONAL COORDINATION

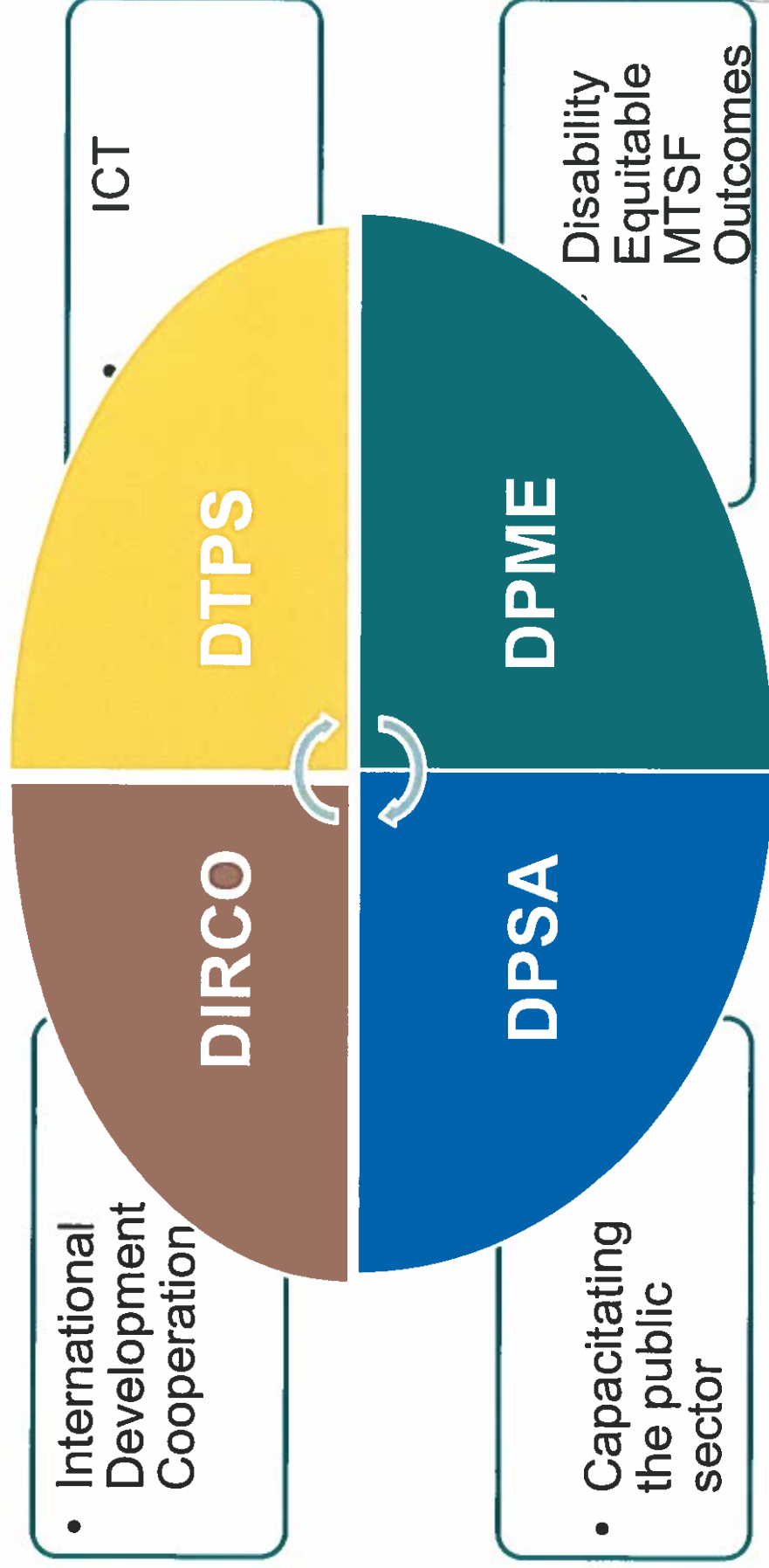
The role and functions of the national disability rights coordinating mechanism include:

- Coordination of and technical support for the implementation of the WPRPD;
- Development and coordination of the five year national disability rights programme of action, aligned with the MTSF;
- Monitoring of and reporting on compliance with the UNCPRD and other international disability-related treaties;
- Coordination and management of government-wide disability rights cooperative governance forums at national level;
- Coordination of Technical and Financial Support through UN Agencies

# INSTITUTIONAL ARRANGEMENTS (cont)

- Strengthen institutional capacity to contribute to the national disability rights agenda across the spectrum of development, statistical and innovation agencies -
  - Disability Statistics Advisory Group on Disability (Statistics South Africa)
  - SABS must strengthen its universal design capacity in the work of their design institute and standard setting bodies;
  - CSIR must strengthen its capacity to promote universal design in its research, technological innovation, industrial and scientific development programmes;
  - SAQA must strengthen its capacity to promote and coordinate the development of a national universal design qualifications framework.

# NATIONAL COORDINATION CLUSTERS

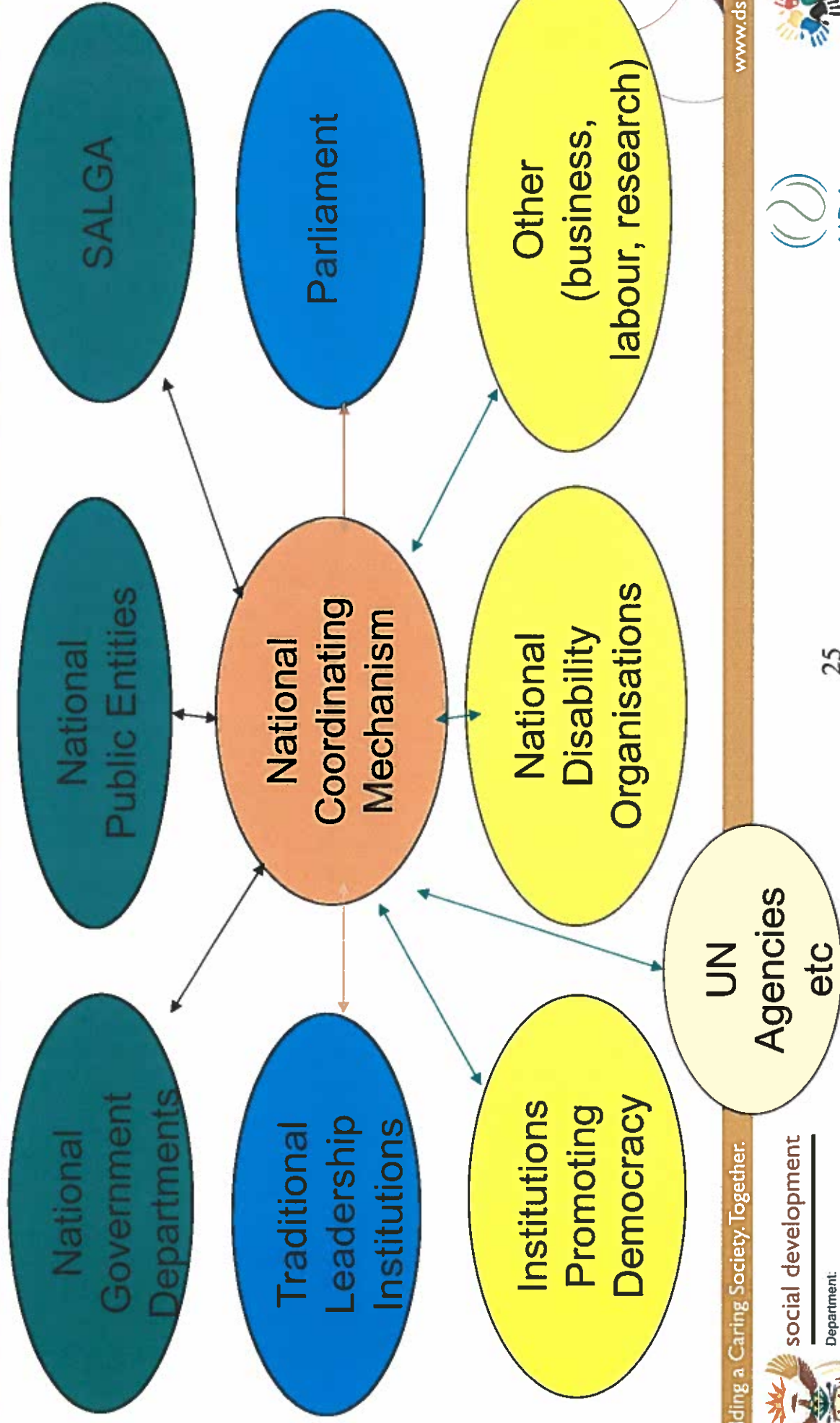


# NATIONAL DISABILITY RIGHTS MACHINERY

- Chaired by the department in which the national disability rights coordinating mechanism is placed (currently DSD);
- Departments of Planning, Monitoring & Evaluation; Public Service & Administration, National Treasury, Women, International Relations & Cooperation, Statistics South Africa;
- Departments chairing each of the FOSAD clusters. A disability rights forum must be established for each FOSAD cluster to facilitate mainstreaming of disability into all issues presented to the cluster;
- Development, statistical and innovation agencies (SABS, CSIR, SAQA etc)
- Accounting officers of national disability organisations;
- Chapter 9 Institutions (SAHRC, CGE); and
- Research institutions, independent consultancies, institutions of higher education, organised business and labour sectors, as well as international development and human rights agencies (Additional technical expertise)



# COORDINATING MECHANISM



## Pillar 9 – Monitoring and Evaluation

- Disability Inequality Index (work in progress)
- Reporting –
  - Annual Report to Cabinet on Implementation of the Matrix
  - Periodic International Treaty Reporting on Impact on Lives of Persons with Disabilities
- Enforcement mechanisms
- Outcomes and Long Term Indicators



# PROGRESSIVE REALISATION OF RIGHTS:

- **More in number (access),**
- **More in diversity (age, race, gender, geographical location, socio-economic status, impairment type and severity),**
- **Better in quality (participation)**



# ACCOUNTABILITY

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

- Have **acknowledged** that persons with disabilities experience marginalisation and exclusion (**attitude**)
- Have identified the **barriers/sources** of exclusion and marginalisation (**baseline**)
- Have identified the **enablers** to remove the barriers (**intent**)
- Have **budgeted** to remove the barriers (**commitment**)
- **Can report** on **results/impact** of implementation (**accountability**)

# IMPLEMENTATION APPROACH

**Implementation is the equal responsibility of EVERYONE  
(it is a government-wide policy,  
not a Social Development Policy)**



# IMPLEMENTATION MATRIX

- Main implementation tool with clear targets for 2015-2019, and for 2019-2030
- Captures all policy directives contained in the policy, allocating time frames, targets and responsibilities
- Constitutes main focus of National Disability Rights Machinery
- Must guide all international development cooperation
- Annual reporting on implementation progress to Cabinet
- Targets will be reviewed in 2018/19 for inclusion in 2020-2025 MTSF
- Responsibility for implementation as such is vested with every Accounting Officer of every public institution
- Although the policy guides private sector implementation, it is only legislation that can enforce policy directives on the private sector

# ADVOCACY

- Launched on 10-12 March 2016 at the National Disability Rights Summit
- 10,000 Government Gazette copies printed and circulated to all national departments, provincial coordinating mechanisms, SALGA, disability organisations, Chapter 9 institutions.
- 2,000 branded packs distributed to decision-makers as well as National Disability Rights Summit
- Provincial workshops with Provincial Disability Rights Machineries (2016/17)
- Executive Road Show to all Provincial Executive Councils
- Municipal workshops in 2017 (in partnership with COGTA and SALGA)
- Weekly interviews on national, regional and community radio stations
- Translation of the Policy into user-friendly versions (five year project)
  - 2016/17: isiZulu; sePedi; South African Sign Language
  - 2017/18: Child-friendly version; 2 additional official languages



# FINANCING OF IMPLEMENTATION

## Disability Rights Mainstreaming-

- Reprioritisation of existing budgets to provide equitable access to persons with disabilities –
  - Changing programme/project designs
  - Incorporating reasonable accommodation support mechanisms
  - Making universal access and design a minimum requirement for ALL outsourced projects
  - A minimum of 7% of all existing budgets could for example be earmarked for disability inclusion/equity measures



# FINANCING OF IMPLEMENTATION

**Retro-fitting of existing infrastructure (built environment; websites; transport) to improve accessibility and legal compliance –**

- Is a phased and potentially very expensive process
- Expenditure can be partially off-set against job creation, skills development, SMME development etc.
- Requires strengthened legislative framework for enforcement
- Possibilities of creating a tax rebate programme for private sector retrofitting will be investigated
- Phase 1: audits against existing legislation to be completed by 2017/2018
- Phase 2: costed retrofitting schedules to be completed by 2018/19
- Phase 3: budgeting and implementation to be completed by 2029/30

# FINANCING OF IMPLEMENTATION

## Disability-specific services:

- The policy acknowledges that virtually no baseline budgets exist for disability-specific services such as rehabilitation services, personal assistance support services, peer counselling and empowerment programmes, expanded supported employment programmes
- Calls for development of such services through Socio-Economic Impact Assessment processes by relevant line function departments to determine affordable national roll-out strategies and baseline fiscal adjustments required
- These estimates will then be put through MTEC processes by relevant departments by 2018/19

# PILOT PROJECTS

- DSD is leading one project focusing on the development of integrated community-based service delivery models for children with disabilities who are excluded from formal service delivery (Izingane kuQala Project)
- Development of Disability Rights Information Portal
- Development of National Tracking and Referral System for Children with Disabilities 0-18 years, integrated into the National Integrated Social Protection Information System (NISPIS)
- Development of National Frameworks that will guide, among others, implementation of universal access and design; reasonable accommodation support; inclusive public participation platforms; self-representation of persons with disabilities, etcetera (3 year project span)
- Completion of Phase 2 of the Study on the Cost of Disability

# DisabilityRights Information Portal

An app-based application of integrated disability services and rights-based information through mobile phones, worldwide web and GIS systems by 2030, accessible in print format in at least 75% of official languages, available at community level.

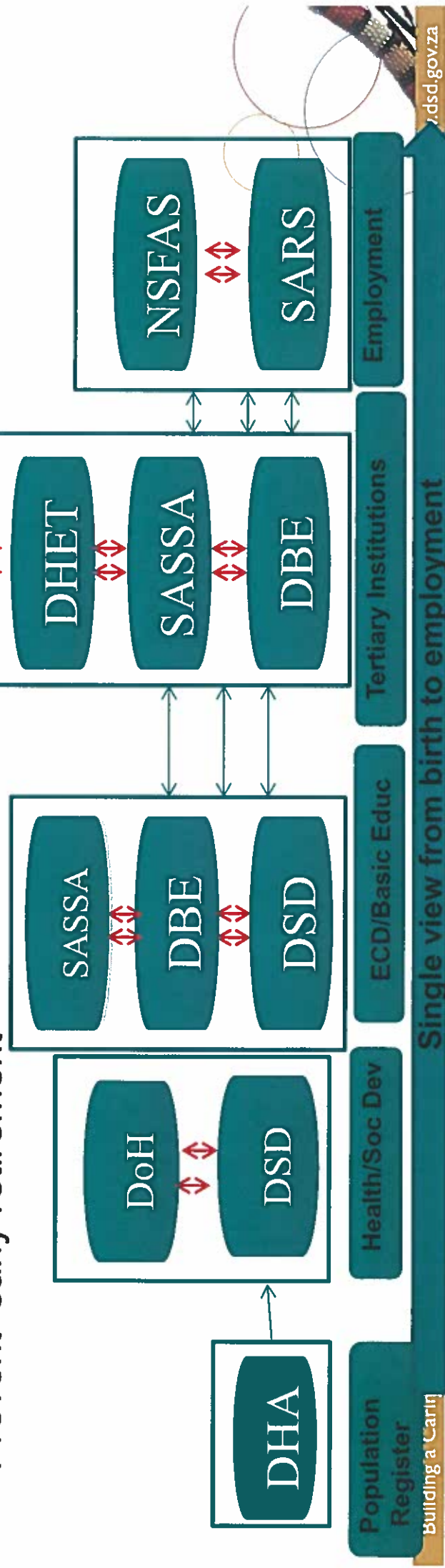
## 2016/17: Phase 1

Disability services directory, updating and integrating all existing information on the public, private and NGO disability services in the following areas:

- Social welfare services
- Health services to persons with disabilities
- Education support services and facilities for persons with disabilities
- Employment support services to persons with disabilities
- Entrepreneurship support services to persons with disabilities
- Support services providing access to justice for persons with disabilities

# Tracking and Referral System

- Integration of all existing health, education, social services, home affairs, SASSA, justice information
- Assignment of case workers
- Prevent 'early retirement'



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# Izingane kuQala Pilot Project

Hypothesis: Development outcomes for children with disabilities improve significantly when

- they are regarded as children first,
- they have empowered and supported parents,
- they have equitable access to health services, education (including inclusive early childhood development opportunities), as well as care in safe and secure environments;
- we target those least likely to receive health, ECD, education and other developmental-related services and/or citizen/resident entitlements
- duty-bearers are held accountable for marginalisation, exclusion and discrimination



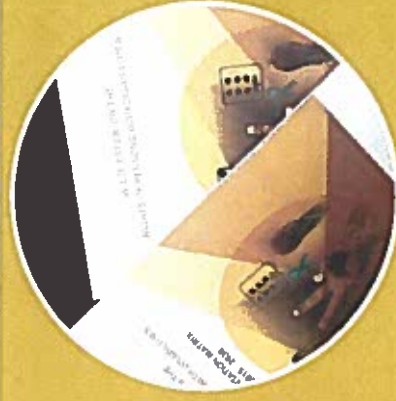
### Output 1:

Costed Transformation Model for Day Care Centres Started and/or Managed by Parents of Children with Disabilities as Community-Based Service-Delivery Hubs



### Output 2:

Costed Community-Based Service Delivery Model for Children with Disabilities in rural and under-serviced areas



### Output 3:

Legislative Reform – integrating/aligning policies and developing legislation that provide for entitlement to a basket of services to children with disabilities

**Improving developmental outcomes for children with disabilities at risk of compounded marginalisation**

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# 6 FOCUS AREAS AT LOCAL LEVEL

Focus	Activities	Lead Agent	Support
<b>1. Legal Compliance</b> <ul style="list-style-type: none"> <li>• Children's Act</li> <li>• Mental Health Care Act</li> <li>• SA Schools Act</li> <li>• Social Security Act</li> </ul>	Baseline Information (Checklists, Audits, Status Quo Reports) <ul style="list-style-type: none"> <li>• Infrastructure</li> <li>• Compulsory Education</li> <li>• Registration of Centres</li> <li>• Abandonment/foster care/adoption procedures</li> <li>• Social Assistance</li> </ul>	National: <ul style="list-style-type: none"> <li>DSD</li> <li>DoH</li> <li>DBE</li> </ul>	KZN: <ul style="list-style-type: none"> <li>DSD</li> <li>Health</li> <li>Education</li> </ul>
<b>2. Centre-based Intervention Programmes</b>	Improving learning/stimulation programmes by applying: <ul style="list-style-type: none"> <li>• ECD Curriculum 0-4 years</li> <li>• ECD Curriculum 5-6 years</li> <li>• Policy on Screening, Identification, Assessment &amp; Intervention (SIAS)</li> <li>• Policy Framework and Learning Programme for Children and Youth with Severe and Profound Intellectual Disability</li> <li>• National Rehabilitation Policy and Assistive Devices Guideline</li> <li>• Mental Health Care Services Guidelines</li> <li>• Ndinogona Programme</li> <li>• DCMH Stimulation Programme</li> <li>• Care-giver and support staff training</li> </ul>	Uhambo Foundation	KZN DoE; Health; DSD  DCMH  Ilifa Labantwana TREE CREATE UKZN



# 6 FOCUS AREAS AT LOCAL LEVEL

Focus	Activities	Lead Agent	Core Support
3. Parent Empowerment	<ul style="list-style-type: none"> <li>Disability Rights Literacy</li> <li>Parenting Skills</li> <li>Women Empowerment</li> <li>Gender Equity (Empowering fathers)</li> <li>Income Generation (supplementing household income)</li> </ul>	<p>DICAG</p> <p>OSW (KZN)</p>	<p>DSD (respite care)</p> <p>Uhambo</p> <p>Valhalla Arts (fathers)</p> <p>CGE</p> <p>CREATE</p> <p>Afrika Tikkun</p> <p>DPSA; Autism SA etc</p>
4. Social Cohesion & Community Mobilisation	<ul style="list-style-type: none"> <li>Disability Rights Literacy Education</li> <li>Placing the rights of children with disabilities and their families on the agenda</li> </ul>	<p>Municipalities (Sukuma Sakhe &amp; ward committees)</p> <p>SAHRC</p>	<p>Uhambo</p> <p>DSD (Mikondzo)</p> <p>Traditional Councils</p> <p>Impumelelo</p> <p>DPSA, DICAG, DPOS</p>

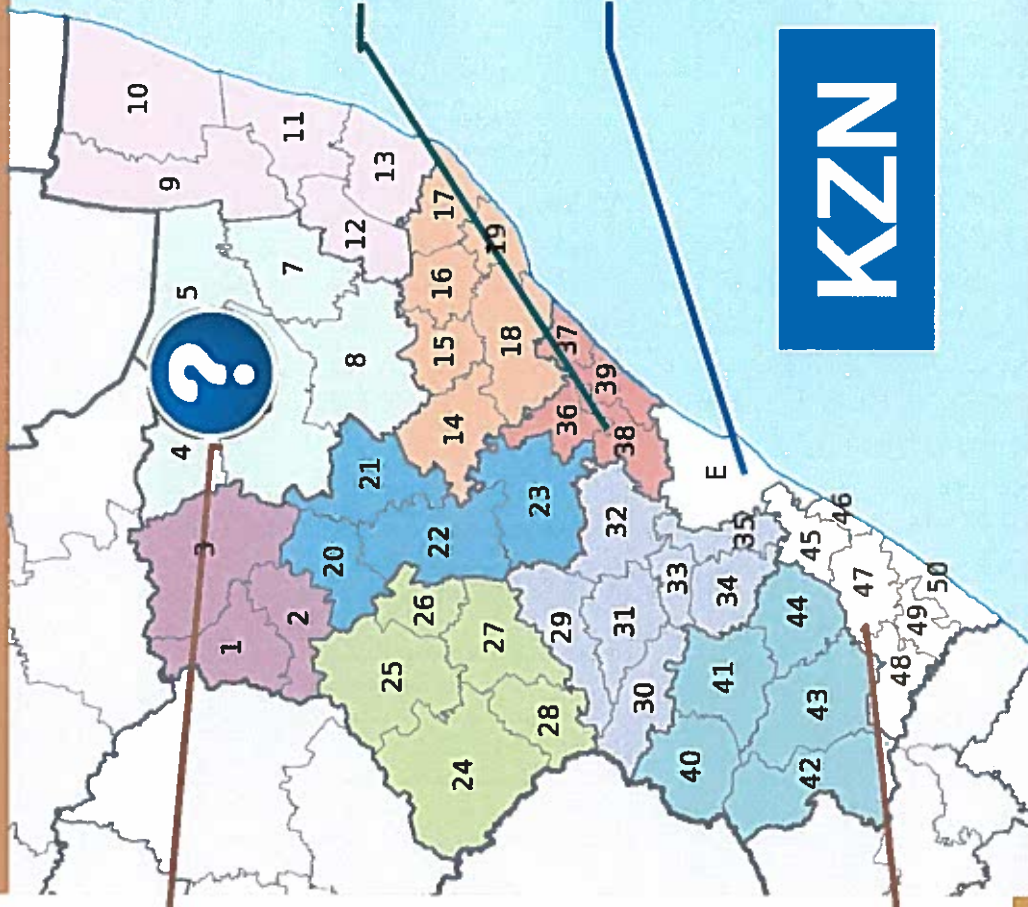
# 6 FOCUS AREAS AT LOCAL LEVEL

Focus	Activities	Lead Agent	Core Support
5. Integrated Rural Community-Based Service Delivery Model for Children with Disabilities	<ul style="list-style-type: none"> <li>• Environmental Scan of Ndwedwe LM</li> <li>• Pilot DSD <i>National Strategy towards Integrated Services to Children with Disabilities</i></li> <li>• Assess viability of integrating DPSA &amp; CREATE CBR models</li> <li>• Determine role of Day Care Centres</li> <li>• Establishment of Home/Community Based intervention programmes</li> <li>• Costing of Core Services Package (incl of oral health, nutrition, sexuality and reproductive health, therapy)</li> <li>• Costing of Comprehensive Services Package</li> <li>• Exit programmes for young persons reaching age of 18 years</li> </ul>	DSD (National & KZN)	National: DOH; DBE KZN: DOH, DoE  DICAG DPSA CREATE Uhambo DCMH Autism SA
6. Tracking System for Children with Disabilities 0-18 years	<ul style="list-style-type: none"> <li>• Assessment of all Children</li> <li>• Development of Individual Development Programmes</li> <li>• Assignment of Case Workers</li> <li>• Integration of data on national database (work in progress)</li> </ul>	DSD (National and Provincial)	KZN: DoH; DoE DICAG Uhambo

# PILOT SITES

**Northern KZN**  
The KZN DoE has requested a fourth and possibly fifth site in northern Zululand to respond to a Section 27 court challenge on out-of-school children with disabilities. This request is under consideration.

**UMZUMBE LM (47)**



**2016 -  
2018**

**NDWEDWE LM (38)**

**ETHEKWINI  
Umlazi  
(H&L section)**

# DSD CAPACITY

Advocacy, implementation support and monitoring and reporting is dependent on capacity within the Rights of Persons with Disabilities Branch. The Rights of Persons with Disabilities (RPD) branch consists of 23 staff members:

- DDGs office: 1 SMS + 2 admin support
- Chief Directorate: Advocacy and Mainstreaming: 2 SMS + 1 mid level manager + 2 admin support
- Directorate: Governance and Compliance: 1 SMS + 1 mid level manager + 1 admin support
- Deputy Directorate: Institutional Support & Capacity Building: 2 mid-level managers (1 resignation with effect 31/10/2016)
- The Directorate: Disability Welfare Services (responsible for disability welfare services): 1 SMS + 4 mid level managers + 4 admin support + 2 international experts (focus is specifically on implementation of DSD-related WRPD policy

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# ROLE OF PARLIAMENT

- **At Constituency Level –**
  - Ensuring that Constituency offices and programmes are accessible for all persons with disabilities;
  - Monitoring, mediating, intervening and reporting discrimination, exclusion and marginalisation on the basis of disability
  - Specific focus on access to early childhood development, basic education, health and rehabilitation (including assistive devices) as well as community employment programmes
- **At Committee Level –**
  - Ensuring that all reports to all committees include a disability dimension which responds to the responsibilities and targets set out in the Implementation Matrix and guided by the questions in the new CRPD Periodic Reporting Guidelines (attached)
  - Ask the difficult questions and demand appropriate responses!
- **At Institutional Level –**
  - Establishment of a structured consultative forum with representative organisations of persons with disabilities
  - Ensuring that all public programmes are fully accessible to all persons with disabilities

# **‘LEAVE NO ONE BEHIND’**

**Persons with disabilities do not constitute a homogeneous group, and as with all other constituencies, experience inequality, discrimination and poverty differently, depending on the contexts.**

**Girls, boys, men and women with different disabilities, from different age groups, living in different geographical and socio-economic settings, with different sexual orientations, require specific measures to ensure that their rights are promoted, protected and upheld**



**Without programmes to protect persons with albinism they are vulnerable to ill-health, early death and children are left behind without mothers and fathers**

**Ensuring that our children with albinism grow up protected, loved and educated**



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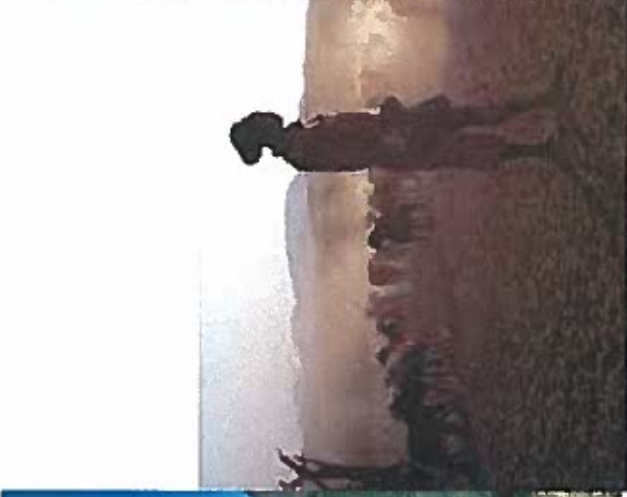


**100%  
children with  
severe  
disabilities  
access early  
childhood  
development  
programmes,  
formal  
education  
programmes**

**Parents-  
initiated day  
care centres  
receive  
support**







**Ensuring that we take specific measures to ensure our services reach those living in poor and outlying areas, including farms, small towns and adjacent townships, equally**

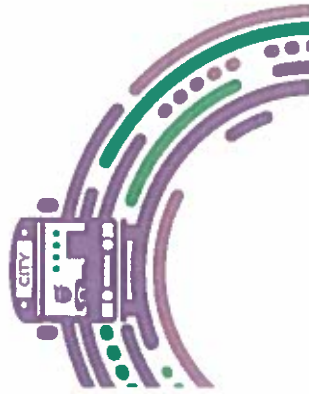


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**Taking specific measures to ensure that persons with disabilities have equal access to the environment so that they can learn, work and play within their communities**



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

thank you



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

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