

DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

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REPUBLIC OF SOUTH AFRICA

**NATIONAL STRATEGIC FRAMEWORK ON
UNIVERSAL DESIGN AND ACCESS**

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NATIONAL STRATEGIC FRAMEWORK ON UNIVERSAL DESIGN AND ACCESS

'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.'

Republic of South Africa, (1997). *White Paper on an Integrated National Disability Strategy*.

Explanatory note

This framework provides a statutory reference for the promotion of universal design and access in South Africa.

Its purpose is:

- To integrate universal design and access into all planning, designing, budgeting, implementation, monitoring, evaluation and reporting systems;
- To provide a framework and mechanism for integrated and multi-disciplinary coordination of universal design and access implementation;
- To establish priorities that will accelerate the removal of barriers to access and participation for all sectors of society;
- To guide the development and implementation of performance standards for the accessibility of services provided to the public;
- To provide for specific roles, functions and responsibilities of relevant departments and other stakeholders; and to provide for matters connected therewith.

The concept of universal design and access impacts on the lives of all citizens, and in particular on the 20% of the population which falls in the first and last standard deviation of the 'norm' bell curve graph. These citizens often find themselves marginalised and excluded from their communities and from opportunities if the design of the environment and of services is not inclusive of age, gender, cultural and disability differentiation through the normal human life cycle,

Universal design
is not a
compromise but a
necessity;

Universal access
is a right, not a
privilege.

This framework serves as a prescriptive guide for the promotion and eventual enforcement of universal design and access standards, using a disability inclusion perspective as its motivating force.

Relationship between this Framework and the White Paper on the Rights of Persons with Disabilities

Whilst the population in general draws from the benefits from universal design and access, it is pivotal in ensuring that persons with disabilities' rights are upheld. Persons with disabilities therefore constitute the largest motive force in advocating for universal design and access. The White Paper on the Rights of Persons with Disabilities (WPRPD) was approved by Cabinet in December 2015. It commits duty bearers to realising the rights of persons with disabilities by:

- Accelerating implementation of existing legislation that advocates equality for persons with disabilities;
- Taking calculated action to ensure that their rights as equal persons are upheld;
- Removing discriminatory barriers to access and participation;
- Ensuring that universal design informs access and participation in the planning, budgeting and service delivery value chain of all programmes;
- Recognising the right to self-representation;
- Acknowledging that not all persons with disabilities are alike, and that personal circumstances, gender, age, sexuality, religious and cultural backgrounds, geographical location, requires different responses; and
- Embedding the obligations contained in the UN Convention on the Rights of Persons with Disabilities in legislation, policy and service delivery.

The WPRPD places universal design and access at the centre of giving effect to the principles set out in Article 3 of the UN Convention on the Rights of Persons with Disabilities and the principles contained in the Bill of Rights in South Africa's Constitution, including:

- Respect for inherent human dignity and individual autonomy
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and for their right to preserve their identities

Whilst Pillar One of the WPRPD has a specific focus on Breaking Barriers to Access and Participation, and provides for the following policy directives as it pertains Universal design and access, it should be noted that universal design and access has been integrated across all nine pillars of the WPRPD. Policy Directive 1.5.2 of the WPRPD directs that minimum standards and guidelines for universal design be developed and implemented.

Relationship between this Framework and the National Framework on Reasonable Accommodation for Persons with Disabilities

The inextricable link between universal access, universal design, reasonable accommodation and disability must be located within the context of the non-discrimination clause in the Bill of Rights of the Constitution of the Republic of South Africa. It requires a paradigm shift in how we design and plan the spatial and built environment as well as services, departing from the traditional approach where we use the normative curve as our basis for planning and design. Our Constitution requires that we design and plan equally for everyone, within the spirit of the credo of the 2030 Agenda for Sustainable Development, LEAVE NO ONE BEHIND.

This paradigm shift will avoid wasteful expenditure where buildings and services have to be altered or re-designed due to the access and participation barriers they pose. Designing in an inclusive and universally accessible manner will also reduce, although not eliminate, the investment required in providing reasonable accommodation support measures.

It is therefore important that this Framework be read with the Framework on Reasonable Accommodation for Persons with Disabilities.

Mandate for the Framework

The mandate for this framework is taken from the Bill of Rights of the Constitution of the Republic of South Africa, further supported by:

- The Promotion of Equality and Prevention of Unfair Discrimination Act (2000), Chapter 5¹. The Act contains a three-step directive for preventing unfair discrimination which includes the concept of 'universal design' (2000: Chapter 2 Section 9a), 'mainstreaming' (2000: Chapter 2 Section 9b) and 'reasonable accommodation' (2000: Chapter 2 Section 9c); and
- Ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol without reservation in 2007.

¹ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 5, Section 28.

ACKNOWLEDGEMENTS

A participatory approach was followed in developing this framework.

The zero draft was developed by, among others, giving consideration to submissions made over the past few years for purposes of developing both the Baseline Country Report to the UN Convention on the Rights of Persons with Disabilities, as well as the White Paper on the Rights of Persons with Disabilities. The zero draft was released for public comment.

A Technical Drafting Team, consisting of representatives from the Departments of Social Development, Transport, Public Works and Telecommunications and Postal Services, the SA Local Government Association, as well as disability sector experts, collaborated through a validation workshop and subsequent electronic consultations in finalising the draft Framework.

The contributions of the following public servants and disability rights activists in finalising the framework are acknowledged:

- Ms Petronella Linders, Ms Thandi Mdlalose (Department of Telecommunications and Postal Services)
- Ms Nozuko Monama (Department of Public Works)
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- Mr Benny Palime, Ms Lidia Pretorius (Department of Social Development)
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- Mr Danie Botha Marais (National Council of and for Persons with Disabilities)
- Ms Kim Fisher (Deaf Federation of SA)
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- Mr Piet Nel and Mr Themba Sekukumane (Short Statured People of SA)
- Ms Shakila Maharaj (Disability Management Services)
- Dr Laurentia Truter (Daisy SA)
- Ms Sebenzile Matsebula (Lindandanda Consulting)

PREAMBLE

WHEREAS universal design enables all citizens to participate in society and to have recourse to their rights as provided for in the Constitution of the Republic of South Africa 1996;

WHEREAS all citizens benefit equally from an environment, products and services if these are designed in such a manner that the design takes into consideration age, gender, disability and cultural diversity;

WHEREAS the 2030 Agenda on Sustainable Development compels governments to ensure that the sustainable development goals are implemented in such a manner that *No One is Left Behind*;

WHEREAS the National Development Plan seeks to reduce inequality and eradicate poverty;

WHEREAS the Republic of South Africa, since 1994 has become an integral accepted member of the community of nations and is committed to ensure that the rights of all its citizens, and in particular those at risk of being marginalised and/or discriminated against, be upheld;

WHEREAS South Africa ratified, among others, the UN Convention on the Elimination of Discrimination against Women; the UN Convention on the Rights of the Child; the UN Convention on the Rights of Persons with Disabilities; the Africa Charter on Human and People's Rights and its Protocols and Charters;

WHEREAS Articles 2 and 9 of the United Nations Convention on the Rights of Persons with Disabilities, compels States Parties to take specific measures to enforce universal design and access;

WHEREAS the White Paper on the Rights of Persons with Disabilities was approved in December 2015 towards full domestication of the United Nations Convention on the Rights of Persons with Disabilities;

WHEREAS it is necessary to take practical steps and reasonable measures to progressively realise universal design and to achieve universal access;

WHEREAS this framework seeks to support the development, monitoring and auditing of norms, standards, guidelines, principles and indicators for universal design and access;

AND WHEREAS it is necessary to introduce enforcement mechanisms and regulations to ensure that universal design and access is implemented to give effect to the equality clause in the Bill of Rights of the Constitution of the Republic of South Africa 1996.

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Chapter 1

INTERPRETATION, OBJECTS AND APPLICATION OF THE FRAMEWORK

1.1 Abbreviations

AAC	Augmentative and Alternative Communication
AT	Assistive Technologies
BBBEE	Broad-Based Black Economic Empowerment
CBR	Community-Based Rehabilitation
CSIR	Council for Scientific and Industrial Research
DPO	Organisations of Persons with Disabilities/ Disabled People's Organisations/ Parents Organisations
DSD	Department of Social Development
DSO	Disability Service Organisation
ECD	Early Childhood Development
HSRC	Human Sciences Research Council
ICF	International Classification of Functioning, Disability and Health
ICT	Information and Communications Technology
IDPs	Integrated Development Plans
IGR	Inter Governmental Relation
INDS	Integrated National Disability Strategy
M&E	Monitoring and Evaluation
MTSF	Medium Term Strategic Framework
NDP	National Development Plan 2030
NDRM	National Disability Rights Machinery
NEDLAC	National Economic Development and Labour Council
NGO	Non-Governmental Organisation
PANSALB	Pan South African Language Board
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act 52 of 2002
SABS	South African Bureau of Standards
SAHRC	South African Human Rights Commission
SALGA	South African Local Government Association
SASL	South African Sign Language
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WPRPD	White Paper on the Rights of Persons with Disabilities

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1.2 Definitions and interpretations

In this framework, unless the context otherwise indicates:

Accessibility – the extent to which aspects of society can be equally, easily, safely, and appropriately used or reached by persons with disabilities (special needs) or impairments; accessibility describes the extent to which an environment, service or product allows access to as many people as possible in particular to persons with disabilities; These aspects include buildings, facilities, constructed spaces, transport, information, equipment, services, activities, resources, utilities, language, communication and technology.

Assistive devices - any device, product, equipment or tool that is designed or adapted to enable persons with disabilities to participate in activities, tasks or actions. Products may be specifically produced or generally available for persons with disabilities or according to specific needs of individual.

Assistive technology - an umbrella term that includes assistive, adaptive, and rehabilitative devices and services for persons with disabilities, which enable persons with disabilities to attain independence.

Barriers - obstacles and impediments that prevent people from free movement, decision making, association, and participation. Barriers may be social (including high cost, lack of disability awareness, prejudice, cultural differences, communication difficulties), psychological (such as fear for personal safety) or structural (including infrastructure, operations and information).

Braille - a system of writing for individuals with visual disabilities (blindness) that uses letters, numbers, and punctuations made up of raised dots and patterns. Braille was the first digital form of writing for blind persons.

Communication - verbal and nonverbal means of conveying information, inclusive of languages, display of texts, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain language, lip-speaking services, speech reading services, whisper interpretation, note-taking services and augmentative and alternative modes, means and formats of communication, and communication technology human reader and augmentative and alternative modes, means and formats of communications as well as accessible information communication technologies.²

Constitution - the Constitution of the Republic of South Africa 1996.

Department - any government department responsible for service delivery within the three spheres of government; whether national, provincial and municipal government.

² UN CRPD (2006)

It also includes the agencies of any government department, state-owned entities or sector institutions.

Disability - is an evolving concept, imposed by society when a person with a physical, psychosocial, intellectual, 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.

Discrimination - any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly (a) imposes burdens, obligations or disadvantages on; and/or (b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds, which include disability and any other ground that might disadvantage a person, undermines human dignity or adversely affects an individual's rights and freedoms.

Disability Discrimination - any distinction, exclusion or restriction of persons on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It encompasses all forms of unfair discrimination, whether direct or indirect, including denial of reasonable accommodation.

Disability Mainstreaming - requires a systematic integration of the priorities and requirements of persons with disabilities across all sectors of society. It requires effective planning, adequate human resources, and sufficient financial investment – accompanied by specific measures such as targeted programmes and services with the outcome of enabling persons with disabilities to participate in mainstream society and to continue to participate throughout their lives.

Disabled Peoples Organisations – membership based organisations constituted to advocate for the protection of human rights of persons with disabilities and disability mainstreaming. They constitute the representative voice of persons with disabilities, inclusive of parents of children with disabilities, based on their membership demographics.

Disability Services Organisation - run by service providers and/or community members. DSOs are not necessarily membership-based organisations and focus on the delivery of rehabilitation and other services to persons with disabilities and their families.

Disclosure of disability - it is a voluntary notification by persons with disabilities that the person has a disability, whether visible or invisible.

Duty-bearers - in human rights law, duty-bearers include government and their agencies national, provincial and local levels of government, traditional and tribal authorities, any government agency in any government department, all public officials and service providers in the public and private sector.

Empowerment - processes, procedures and actions aimed at affording access, equal treatment, inclusion, participation, accountability and efficiencies.³

Enabling environments - Interrelated physical and other infrastructures, built-environments, culture, laws, policies, processes and procedures, information and communication technologies, capacity and knowledge of staff in organisations that must be in place to facilitate the socio-economic development of all persons, regardless of age, gender, disability, culture etc.

Equality - the full and equal enjoyment of rights and freedoms as contemplated in the Constitution, including includes de jure and de facto equality and also equality in terms of outcomes⁴. It ensures that individuals or groups of individuals are treated fairly and equally and no less favourably and with dignity; specific to their requirements. It includes the removal of discrimination that ensures all opportunities and life chances are available to persons with disabilities, and people who become disabled; on an equitable basis with others.

Equity - the system of justice and fairness, where there is an even-handed treatment of all the people. Under this system, the individual needs and requirements are taken into account and treated accordingly. Equity demands fairness in every situation, i.e. whether it is the distribution of benefits or burdens. Therefore people are treated fairly but differently as their circumstances are given weight. It seeks to provide all the individuals an equal opportunity, to let them attain their maximum potential. In this way, equity ensures that all individuals are provided the resources they need to have access to the same opportunities, as the general population.

Exclusion - the act of socially isolating or marginalizing an individual or groups on the basis of disability, gender, race, language, sexual orientation culture, religion or socio-economic status, by not allowing them to participate or enabling them to benefit. Exclusion occurs when specific needs are not accommodated, by allowing or enabling someone to fully participate, or to be included in society and enjoy the same rights and privileges as others who are not discriminated against.

Full and equal participation - equal participation occurs if equalisation of opportunities to participate is provided through universal design and reasonable accommodation measures. In adapting to social structures, social models focus more sharply on empowerment, participation and modifications to promote equalisation of opportunities for all.

Gender equality - means equal recognition, enjoyment or exercise by a person irrespective of gender, disability or race; of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other aspects of life, through the recognition of their respective needs and their interests.

³ Broad Based Black Economic Empowerment Act (Act 53 of 2003)

⁴ Section 28 of Promotion of Equality and Prevention of Unfair discrimination Act (Act 52 of 2002)

Impairment - Impairment is a perceived or actual feature in the person's body or functioning that may result in limitation or loss of activity or restricted participation of the person in society with a consequential difference of physiological and/or psychological experience of life. For example, the International Classification of Disease (ICD) could be utilised for purposes of defining physical, sensory, intellectual, psychosocial and neurological impairments.

Information and communications technology - an umbrella term which includes any kind of information and communication device or application and its content, and encompasses a wide range of access technologies, such as radio, television, satellites, GPS, mobile phones, fixed lines, computers, tablets and network hardware and software.

Independence - state of being whereby available and adequate support services, assistive devices and personal assistance to persons with all disabilities enables persons with disabilities to exercise choice, bear responsibility and participate fully in society.

Independent living - the ability of a person to live just like anyone else, to have opportunities to make decisions that affect their lives and to be able to pursue activities of their own choosing with the necessary support to enable persons with disabilities to live independently.

Mobility - the means by which a person, whether with a disability or without, moves in their current environment. It is the ease of human movement with or without the use of assistive devices, (such as devices that augment dexterity, communication, sight or hearing) and mobility aids, such as wheelchairs, crutches, guide dogs and mobility canes.

National disability rights coordinating mechanism - Function designated by the President during macro-organisation of the state in line with Article 33(1) of the UNCRPD. The function is primarily responsible for overall coordination of implementation and monitoring of the national disability rights agenda.

Person - a legal natural or juristic person.

Persons with disabilities - Persons with disabilities include those who have perceived and or actual physical, psychosocial, intellectual, neurological and/or sensory impairments which, as a result of various attitudinal, communication, physical and information barriers, are hindered in participating fully and effectively in society on an equal basis with others.

Progressive realisation - This standard is contained in the South African Constitution specifically in association with socio-economic rights, such as section 26 (housing), section 27 (health care, food, water and social security), and section 29 (1)(b) (further education), and defined by the Constitutional Court, which has defined progressive realisation by referring to its development in international human rights law, including Paragraph 9 of General Comment 3 of the United Nations' Committee on Economic, Social and Cultural Rights (CESCR).

The concept of progressive realisation constitutes recognition of the fact that full realisation of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. Nevertheless, the fact that realisation over time, or in other words progressively, is foreseen under the ICESCR should not be misinterpreted as depriving the obligation of all meaningful content. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal, and to be able to provide evidence that this is being achieved. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the ICESCR and in the context of the full use of the maximum available resources.

Progressive realisation as it refers to in this Framework is applicable to three dimensions: More in number (access); more in diversity (compounded aspects); and better in quality (participation).

Reasonable accommodation – Reasonable accommodation refers to necessary and appropriate modification and adjustments, as well as assistive devices and technology, not imposing a situation, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Rights holders - All human beings are inherently rights-holders who should enjoy universal human rights that must be guaranteed through the progressive implementation of legislation.

Self representation - the practice of people being able to articulate their own issues for themselves. It refers to people being enabled and allowed to have their own voice in issues that relate to their specific needs and circumstances.

Universal access - the removal of cultural, physical, social and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens and residents. The absence of accessibility or the denial of access is the loss of opportunities to take part in the community or society on an equal basis with others.

Universal design - the design of products, environments, programmes and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialised design.

Universal Design Access Plan (UDAP) - demonstrates to the service user how they are able to access services and how implementation will take place, and in what timeframe.

Unjustifiable hardship (legal interpretation) – unjustifiable hardship is an action that requires significant of considerable difficulty or expense; this involves considering, among other things, the effectiveness and efficiency of the accommodation and the extent to which it would seriously disrupt the operation of the business or create a disadvantage.

1.3 Objectives of the Framework

The objectives of the framework are to:

- Provide the context within which universal design and access must be included in national legislation;
- Ensure that universal design relates to the human condition and applies to all service users, and in particular protecting the right to the removal of barriers to access and participation for persons with disabilities;
- Ensure that all services available to the public in the private or public sector make provision for universal design and access regardless of citizenship, race, gender, sex, age, culture, disability, religious and cultural and personal circumstances;
- Provide for the development of national norms, performance standards and indicators for universal design and access;
- Provide for the development of Universal Design Access Plans (UDAPs) within the context of Equality Plans envisaged in Section 5 of PEPUDA.
- Provide for the auditing of services, for their evaluation and for the prospect of legal recourse;
- Highlight the relationship between universal design, health and safety and emergency evacuation;
- Clarify the roles and responsibilities in the management of universal design and access within the basket of services, products and facilities;
- Make provisions for the relevant institutional arrangements for universal design and access.

1.4 Application of the Framework

1.4.1 The legal application of the framework

This framework must be read and used in conjunction with relevant legislation and regulations; codes of good practice, technical assistance guidelines, SABS standards for, among others, the built environment, ICTs and transport, as well as the White Paper on the Rights of Persons with Disabilities.

The framework is intended to be used as a practical guide providing information and advice on universal design and access for government, the private sector, and civil society; including rights-holders themselves, so that it can be understood and implemented.

1.4.2 South African legal context

Section 9 of the Constitution states that “ *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, believe, culture language and birth*”⁵

The Promotion of Equality and Prevention of Unfair Discrimination Act, Chapter 5⁶ states that “*Special measures to promote equality with regard to race, gender and disability*

28. (1) *If it is proved in the prosecution of any offence that unfair discrimination on the grounds of race, gender or disability played a part in the commission of the offence, this must be regarded as an aggravating circumstance for purposes of sentence.*

(2) *The South African Human Rights Commission must, in its report referred to in section 15 of the Human Rights Commission Act, 1994 (Act No. 54 of 1994), include an assessment on the extent to which unfair discrimination on the grounds of race, gender and disability persists in the Republic, the effects thereof and recommendations on how best to address the problems.*

(3) (a) *The State, institutions performing public functions and all persons have a duty and responsibility, in particular:*

- (i) eliminate discrimination on the grounds of race, gender and disability;*
- (ii) promote equality in respect of race, gender and disability.*

(b) *In carrying out the duties and responsibilities referred to in paragraph (a), the State, institutions performing public functions and, where appropriate and relevant, juristic and non-juristic entities, must—*

- (i) audit laws, policies and practices with a view to eliminating all discriminatory aspects thereof;*
- (ii) enact appropriate laws, develop progressive policies and initiate codes of practice in order to eliminate discrimination on the grounds of race, gender and disability;*
- (iii) adopt viable action plans for the promotion and achievement of equality in respect of race, gender and disability; and*
- (iv) give priority to the elimination of unfair discrimination and the promotion of equality in respect of race, gender and disability.*

The state therefore has a Constitutional responsibility to undertake a legal audit, review existing discriminatory laws, develop new legislation to address gaps and to

⁵ Republic of South Africa (1996). Act No.108 of 1996. The Constitution of the Republic of South Africa. Bill of Rights. Chapter 2, Section 9.

⁶ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 5, Section 28.

promulgate stand-alone disability legislation if required. This framework serves as a guiding document for this process.

Chapter 2 Section 9 of the Promotion of Equality and Prevention of Unfair Discrimination Act indicates that this Act takes precedence over all other acts.⁷ In relation to universal design, this is particularly pertinent to non-compliance with minimum standards that result in direct discrimination against persons with disabilities.

The broad legal interpretation of right of access under the Promotion of Equality and Prevention of Unfair Discrimination Act makes it imperative that the private and public sector and society in general adopt a uniform practice regarding the progressive realisation of universal access; its relationship to universal design, and compliance with minimum standards.

Non-compliance with basic minimum standards and ignorance of rights-based policy leads to the progressive depletion of rights assigned under the Constitution. Erosion of rights of citizens due to the lack of knowledge of government officials and service providers leads to the following outcome; direct discrimination (undermining dignity and equality) and breaches of health and safety.

1.4.3 International legal context

This framework provides guidelines for universal design and access to give effect to human rights treaties ratified by South Africa, inclusive of the UN Convention on the Rights of Persons with Disabilities.⁸

The scope of current national standards governing sectors such as the built environment, the ICT environment and transport, as well as enforcement of compliance with these standards, is currently insufficient to comply with the requirements of, among others, the UNCRPD.

Articles 1 and 9 of the United Nations Conventions on the Rights of Persons with Disabilities refers to denial of universal design and access as a form of discrimination on the basis of disability. This is acknowledged throughout the White Paper on the Rights of Persons with Disabilities, as it impacts on all nine pillars.

1.4.4 Obligations of persons with disabilities

The framework intends to assist rights-holders by deepening an understanding of their constitutional rights and responsibilities:

(i) Rights:

- The right not to be discriminated against in all aspects and stages of life, to be treated with fairness, respect, dignity and privacy when accessing any services,

⁷ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 1, Section 5(2)

⁸ United Nations (2006). Convention on the Rights of Persons with Disabilities.

facilities, devices and procedures of departments or public and private service providers;

- The right not to be discriminated against on the basis of age, gender, disability, race or any of the factors contemplated in Section 9 of the Constitution, or in terms of Chapter 2 Section 9 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000;
- The right to independent living and alongside everyone else, to universally designed products, facilities and environments;
- The right to reasonable accommodation measures where these are required to remove barriers to access and participation.

(ii) Responsibilities

- The responsibility to understand that you are entitled to equal access, to demand equal access to all built environments, products and services and to be accommodated with everyone else using the facility, product or service;
- The responsibility to know and understand your reasonable accommodation requirements and to negotiate for such within the constricts of the law if you should require any;
- The responsibility to report discrimination if you are not receiving the same standard of service as their peers without, including access to information and communication;
- The responsibility to participate as an informed partner with the service provider in the process of designing, implementing, monitoring and evaluation any service;

1.4.5 Obligations of government, business and civil society

(i) Obligation to support participation in society

The purpose of universal design is to create universally accessible services that every South African can use. Therefore the underlying prescript is that all service providers must innovate to make their services equally accessible to all users, including all persons with disabilities, whether or not universal design was considered at the onset; and not to deny the person the right of access to services of any kind.

(ii) Obligation to support universally accessible services⁹

Every service provider whether public or private, and whatever the nature of the service, has a duty to progressively implement universal design, access and

⁹ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 2, Section 9

reasonable accommodation and to be able to demonstrate at any point in time that it is doing so.¹⁰

Every service provider whether public or private, and whatever the nature of the service; may not downgrade universal design, access and reasonable accommodation to a level previously provided.¹¹

The public sector is obliged to ensure that all public services comply with the values and principles for Public Administration as contained in Chapter of the Constitution, and further elaborated on in the Batho Pele principles.

(iii) Examples of universally designed services

Universally designed facilities may include:

- Public spaces and pedestrian routes that accommodate older persons, persons with disabilities and children with and without disabilities, and where they are safe from harm from road based vehicles;
- AFC/ticket machines that can be used by all public transport users with ease and vehicle that accommodate people with disabilities and non-disabled people alike, travelling together in safety;
- Housing in communal blocks or developments in which people are able to live, regardless of whether they become disabled or not because the house is designed to accommodate them throughout their lives, and to which persons with disabilities can visit on an equal basis as people without disabilities; and
- Web-based apps and information technology which accommodate accessible ICT.

1.5 Limitations and Exceptions

This framework shall apply to both the public and private sector in equal measure, and civil society; regardless of the size of operation. Whilst universal design may vary depending on the nature of the service offered or provided, access to the service must be easily available, right of access must be assured and the lack of provision of minimum standards for universally accessible services may not be limited to a claim of hardship alone.

At this stage, this framework should act as a guide, except where existing legislation establishes compulsory minimum standards, e.g. in building design, product design and services affected by the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000); which includes all government services and most private sector services.

¹⁰ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 5, Section 25, 26 and 27.

¹¹ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 2, Section 9(a)

It is anticipated that this framework will be integrated into sector-based regulations over the next 3 years, including under the Promotion of Equality and Prevention of Unfair Discrimination Act.¹²

This framework should be used to guide government reporting on the implementation of the White Paper on the Rights of Persons with Disabilities.

Failure to observe this framework by itself, may render a provider of services legally liable in any proceedings, especially where legislation requiring compliance with minimum standards already exists, and where not so directly, courts and tribunals may use this framework to interpret and apply existing legislation.

1.5.1 Scope of Application

Universal design applies to every human being and compliance with minimum standards results in environments that are easier to use.

It is therefore the responsibility of design professionals to acquaint themselves with universal design access standards and with the scope of application of such standards for their sector.

Duty-bearers have a responsibility to demonstrate that they have required compliance with minimum standards, and regulators need to strengthen auditing, monitoring and compliance enforcement practices.

Standards governing products which are universally designed apply in certain sectors.

Within the context of the built environment, PEPUDA requires that whether or not an existing building complies with minimum standards, the building owner is still obliged to upgrade the building through a universal design access plan. Case law shows that even existing buildings must be upgraded over time.¹³

It is the responsibility of built environment or other professionals to prove that they have relevant qualifications or suitable experience and to be able to demonstrate that they are indeed, qualified experts in universal design, and that they carry relevant professional indemnity insurance for this specific area of work.¹⁴

Public space and public transport are also by law subjected to compliance with minimum national standards on universal design for public transport environments through the development of integrated public transport networks (IPTNs).

Other standards relating to products and appliances are subject to compliance either on a sectorial basis (such as IT services) or through voluntary compliance.

¹² Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 6, Section 30

¹³ CASE NO.: 25/2005 WILLEM HENDRIK BOSCH and the MINISTER OF SAFETY AND SECURITY and the MINISTER OF PUBLIC WORKS

¹⁴ Republic of South Africa. Building Regulations and Building Standards Act (1977), Act No 103 of 1997, as amended 2008. Part S: definition of a competent person

1.5.2 Legal interpretation of limitations and exceptions

This framework must be read in conjunction with sections 10 and 28 of the Promotion of Equality and Prevention of Unfair Discrimination Act, and its amendment (No. 4 of 2000 and 52 of 2002) to avoid grey areas where the rights of persons with disabilities are not adequately covered by policies, laws and regulations, or where these are not in line with the Constitution.

Any policy, law or legal document on reasonable accommodation is dependent on a common understanding of the meaning of a universally accessible service as prescribed by this framework, within reason; for the protection of unjustifiable hardship (see below).

Rights-holders have recourse when their rights as citizens, residents, consumers, workers, business people or learners have been violated regardless of whether duty-bearers believe they have complied with the guidelines provided by this Framework and/or national minimum standards. Rights-holder may instituting a grievance against the duty-bearer on the grounds that the service was not universally accessible through, among others, the Consumer Protection Act, The Promotion of Equality and Prevention of Unfair Discrimination Act, the Health and Safety at Work Act, and the Employment Equity Act.

1.5.3 Unjustifiable hardship

(i) Definition

Unjustifiable hardship is legally defined as “*an action that requires significant or considerable difficulty or expense.*”¹⁵ This involves considering, among others, the effectiveness of universally accessible service provision and the extent to which it would seriously disrupt the operation of the business, not consideration of the actual cost of any required measures alone.

An organisation may make a case for unjustifiable hardship. However it cannot refute

The need to provide a universally accessible service (by comparing service users with disabilities to service users without disabilities) without acknowledging equality of outcome,

The expense in itself; without due consideration to the overall size of the organisation. This is a particularly important measure for government and its agencies.

Expense on its own cannot be used as reason for not providing a universally accessible service due to the right of access created in the Promotion of Equality and Prevention of Unfair Discrimination Act, as well as the Consumer Protection Act and Promotion of Access to Information Act. It may be that, depending on the size of the

¹⁵ Employment Equity Act (Act 55 of 1998)

organisation and gross income; the type of change required in service provision and the extent to which it is provided, is different for different organisations.

Creating a universally accessible environment is often best achieved when approached incrementally in a realistic fashion. The legal object is to build a culture of accessibility since it is not possible to bring all services and buildings in a country, developing or otherwise to a universally accessible standard immediately or at one time.

It is necessary to be realistic and prioritise interventions and investments progressively. Undue hardship shall not apply in all cases; through these decision is based on considerations of regulatory measures, structural barriers, human behaviour and operational practices, where these considerations have not be followed in a lawfully prescribed manner. This must be included in planning and implementation.

1.5.4 Legal prohibitions

Discrimination on the basis of disability constitutes any distinction, exclusions or restrictions on the basis of disability, which has the purpose or effect of unlawfully impairing or nullifying the recognition, enjoyment or exercise on equal basis with others of all human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of universal design and reasonable accommodation.

Chapter 2

UNIVERSAL DESIGN AND RIGHT OF ACCESS TO SERVICES

“The interaction between people, throughout their life cycles and the environment in which they live, is dynamic; it is in a state of constant change. Universal Design recognizes this changing dynamic, and requires designers of websites, buildings and products to plan for it. Consider the design impact of:

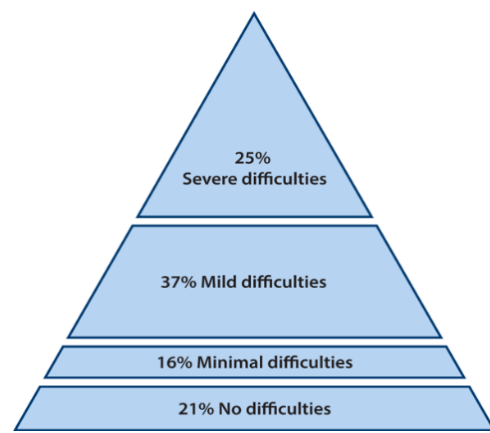
- a) Differing dimensional and ability characteristics of people from various age groups;*
- b) People navigating the built environment and the virtual environment without sight or hearing, or even with neither sight nor hearing;*
- c) Changes in ability that come with the development of literacy and language skills;*
- d) Changes in ability that are part of the aging process;*
- e) Varying language and comprehension skills of people to print media, radio and television communication and websites on the Internet;*
- f) Consequences of disease or trauma;*

- g) *Challenges for people with limited mobility or agility as they seek to gain employment or raise a family; and*
 h) *Various needs of people with mobility, vision, hearing or cognitive impairments.*¹⁶

It is important to challenge the polarised separation of 'able-bodied' and 'disabled' persons within the context of population diversity. Diversity within the population is better modelled using a pyramid to model the full range of ability variation within a population. This pyramid can then be segmented to identify various categories of users. The bottom segment of the pyramid represents those with no difficulties, and the severity of difficulties increases up the pyramid.

Population diversity has been introduced first from the perspective of ability variation, but can be further broadened to consider diversity associated with different real-world contexts, lifestyle, aspirations, gender, and past experiences. In summary, 'it's normal to be different'.¹⁷

The pyramid model presents a continuum of population diversity. The prevalence data and definitions of difficulty levels are drawn from the Microsoft (2003) survey.



2.1 Rights perspective, right of access and principles of universal design

2.1.1 Problem statement

Children, women, older persons and persons with disabilities are often not able to perform to the best of their abilities or to achieve a decent standard of living. They often find themselves in unsafe or unhealthy environments and experience increased stress levels due to the lack of universal design of their built environments, open spaces, in the services offered to the general public or the products they use.

Where the principles of universal design are not included in planning of services or the planning of environments in which services are provided, where minimum standards that relate to the design of the environments, facilities or products are not complied with, and where as a result, there is a failure to address the particular barriers to participation that the individual experiences; the result is loss of equality of outcome

¹⁶ Gaates: Toolkit: Key indicators of accessibility, 2015

¹⁷ Lange and Becerra, 2007.

and an experience of discrimination. This is particularly true for persons with disabilities.

The National Development Plan (NDP), approved in 2012, envisages a country by 2030 which has eliminated poverty and has reduced inequality, a “*country wherein all citizens have the capabilities to grasp the ever-broadening opportunities available*”.¹⁸

The NDP acknowledges that many persons with disabilities are not able to develop to their full potential due to a range of barriers, namely physical, information, communication and attitudinal barriers. The NDP states that “*Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach*”.

An analysis of the NDP as a strategy to reduce inequality, eradicate poverty and promote employment as it affects the lives of persons with disabilities has been conducted and should be utilised in determining actions and targets for purposes of implementation of the WPRPD¹⁹ and therefore also for this Framework.

The provision of universally accessible services contributes significantly to:

- Independent living
- Participation in society
- Increased choice and options for quality of life

2.1.2 Right of access

Universal access must enable full and equal participation in all activities of society with an intention to ‘level the playing field’ through equitable participation. In addition to universal design, measures aimed at creating universally accessible services must therefore be linked to service operations: customer care, facilities management, maintenance management, occupational health and safety measures, and with respect to employment; employee wellness programmes.

Universal design supports the stages of life of individuals, whether they have disabilities or not. The provision of universal design reduces the need for the provision of reasonable accommodation, as everyone is catered for as part of the expected and normal provision of services.

2.1.3 Barriers to access and participation

Although mainstreaming gender, disability and age considerations is a prerequisite of an inclusive society; without universal access, these groups are largely ignored in the planning and provision of services in the public and private sector. This includes physical and or environmental accessibility; removing barriers, providing access

¹⁸ Republic of South Africa (2015). White Paper on the Rights of Persons with Disabilities. Page 28

through alternative communication, and information in accessible formats, as standard.

Persons with disabilities in particular face many obstacles in the built environment that prevent them from fully exercising their right to participate in a social, cultural and professional life on an equal basis with others. This includes access to education and health services, the opportunity to earn a living and the right to participate in family, community, religious and political life.

Universal accessibility is key to social inclusion also benefits society as a whole. It is therefore the duty of all levels of government to take appropriate measures to ensure that persons with disabilities have access on an equal basis with others to the physical environment, information and communications, assistive technology and to other facilities and services open or provided to the public both in urban and rural settings.

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These measures, which include the identification and elimination of obstacles and barriers to accessibility as legally mandated, shall apply inter alia to; buildings, roads, spatial development, transport systems, indoor or outdoor facilities, education establishments, human settlements (spatial planning and housing), medical facilities, work and places of business, entertainment, recreation and cultural establishments. All government-related buildings and their agencies are automatically included. Recognising that this includes all forms of information, communication, electronic and other services, and emergency services.

2.1.4 Principles of universal design

Universal design is a form of design which has human function at its core; including people who are elderly, children, and people accompanying children, pregnant women, people with temporary illness or injury, as well as persons with disabilities. Thus the benefits of implementing universal design widely and applying the following seven principles are an important way of meeting the needs of as many people as possible. These seven principles are:²¹

- i. **Equitable use** - Design that is useful and marketable to persons with diverse access needs.
- ii. **Flexibility in use** - Design that accommodates a wide range of individual preferences and access needs.
- iii. **Simple and intuitive use** - Design that is easy to understand regardless of the users experience, knowledge, language, skills or concentration level (in loco use).

²⁰ United Nations (2007). Convention on the Rights of Persons with Disabilities. Article 9.

- iv. **Perceptible information** - Design that communicates necessary information effectively to the user regardless of ambient conditions or the users sensory access needs (*inbonafides principle*).
- v. **Tolerance for error** - Design that minimises hazards and adverse consequences of accidental or unintended actions.
- vi. **Low physical effort** - Design that can be used efficiently and comfortably and with a minimum of fatigue or struggle.
- vii. **Size and space for approach and use** - Design that provides appropriate size and space for approach, reach, manipulation and use regardless of the users body size, posture or mobility.

2.1.5 *Batho Pele principles*²²

The South African government established the following eight principles that form an integral part of all public services. These principles are aligned to Chapter 10 of the Constitution. Government officials must follow the “Batho Pele” principles which require public servants to be polite, open and transparent and to deliver good service to the public.

- i. **Consultation** - Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.
- ii. **Service standards** - Citizens should be told what level and quality of public service they will receive so that they are aware of what to expect.
- iii. **Access** - All citizens should have equal access to the services to which they are entitled.
- iv. **Courtesy** - Citizens should be treated with courtesy and consideration.
- v. **Information** - Citizens should be given full accurate information about the public services they are entitled to receive.
- vi. **Openness and transparency** - Citizens should be told how national and provincial departments are run, how much they cost and who is in charge.
- vii. **Redress** - If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.
- viii. **Value for money** - Public services should be provided economically and efficiently in order to give citizens the best possible value for money.

²² Department of Public Service and Administration. The Batho Pele Vision – A Better Life for All South Africans by putting People First

2.1.6 Consultation across the Value Chain

Inclusive participation by affected parties is a fundamental principle and requirement of universal design and access. State organs, rights-holders, and in particular persons with disabilities and older persons, non-governmental organisations including disabled people's organisations and other stakeholders, must be consulted throughout the value chain of design, planning, budgeting, implementation, monitoring, evaluation and reporting. The needs of service users can then easily be better accommodated over time, in a realistic and reasonable matter.

Duty-bearers responsible for compliance with universal design should avoid costly mistakes through participative, sensitive and realistic considerations which cover regulatory, structural, human behaviour and operational practices of services providers, in the prescribed manner.

On-going monitoring of facilities, products, and services should be carried out every quarter once the design of the service has been completed, to maintain operational standards. This requires that duty-bearers establish structured users platforms for consultation and participation.

2.2 Products and Services

Products and services should be designed in a manner that mainstreams universal design. Products, services and facilities designers must ensure that children and persons with disabilities in particular are protected against any harm or hazards which may be caused by faulty or mechanical design or natural occurrences.

Where minimum standards are available through the South African Bureau of Standards for the design in the ICT environment, for the transport environment and for product design which support universal design principles, these should be used. Where standards themselves are discriminatory, these must be revised. Standards may only improve universal design, and may not denigrate it²³. Where national minimum standards are not available, ISO provides standards which can be used under a reciprocal agreement. Any part of an ISO standard that provides a lesser standard of universal design to a South African National Standard, may not be used.

2.2.1 Services and Standard Operational Procedures

Mainstreaming universal accessibility shall be seen as essential to all legal instruments. Duty-bearers and service providers must ensure that the following

²³ Promotion of Equality and Prevention of Unfair Discrimination Act (2000). Act No 4 of 2000. Chapter 2 Section 9a

regulatory mechanisms and other appropriate measures (contractual instruments)²⁴ address the right to inclusion and universal access to services:

- Licenses (and service licences, software licences or other)
- Entertainment licences or any other licence
- Certificates of occupation
- Operational policies
- Grading schemes
- Registration (whether accredited or otherwise)
- Contracts
 - Duty of care
- Insurance
- Professional services in the built environment
- Professional competence
- Planning policy and development plans
- Zoning or re-zoning requirements
- Bylaws
- Budgets and grant conditions
- Procurement
- Building works
- Maintenance and repair-related services
- Facilities management
- Gardening and cleaning services
- Health and safety
- Retrofitting schedules
- Electricity, water and other utility services

This requires that consideration be given to the appointment/designation of universal access officers on all infrastructure projects, in all institutions delivering services to the public and for all product development.

Chapter 3

UNIVERSAL ACCESS, UNIVERSAL DESIGN AND SAFETY MEASURES

3.1 Occupational Health and Safety

²⁴ Promotion of Equality and Prevention of Unfair Discrimination Act (2000). Act No 4 of 2000. Chapter 5 Section 26 and 27.

Typically universal access problems for particularly persons with disabilities in the built environment are health and safety related. However, training in health and safety or in facilities management does not automatically ensure that buildings will not be dangerous for persons with disabilities, unless such training covers compliance with minimum standards which support universal design, and the maintenance of these standards as part of on-going management. Historically built environment standards have not been inclusive, and therefore although modern health and safety standards support universal design, they may not have yet been adopted by institutions.

Where access has not been provided to minimum standards, other measures put in place to lift or carry people with disabilities are not supported by the findings of equality cases that have already been taken, and can lead to additional occupational health and safety cases of injury at work. If minimum standards have not been complied with in situations where accidents take place, indemnity forms or statements of lack of responsibility on behalf of building owners, do not apply.

All workers are protected by law with regards working in safe and healthy environments. Occupational health and safety plans ensure that all employees, regardless of whether they have a disability, are able to get out of buildings and to a place of safety in an emergency, and the same requirements apply to users of services under health and safety legislation; whether in permanent or temporary structures. The following regulations to the Occupational Health and Safety Act are of particular relevant within the context of universal design and access, and require revision to comply with universal design and access requirements:

- Environmental Regulations for Workplaces (1987);
- Facilities Regulations (1990);
- General Administrative Regulations (2003);
- General Health and Safety Regulations (1986);
- Lift, Escalator and Passenger Conveyor Regulations (1994);

3.2 Facilities Management

All users of services have a right to be able to use buildings, to do so in safety and with dignity, whether disabled or not.

Building standards and operational standards in universal design improve incrementally through daily, monthly and annual facilities and maintenance management programmes. This directly affects service delivery, albeit in a slow process.

However, given the cost of upgrading buildings and changing existing services, universal design is normally the most realistic and cost-effective means of bringing about progressive realisation of rights, including those for persons with disabilities. It

is therefore required that universal design forms part of on-going up grading and retrofitting programmes.

3.3 Employee Health and Wellness

Workplace assessments, occupational health and safety and employee assistance programmes are important for employees with disabilities, including employees acquiring disability or employees who have not disclosed disability or who have invisible disabilities.

Employers must note that whether or not a building they use is leased or owned, they are responsible for any accommodation requirements for existing employees who have disabilities, new recruits who apply for work and/or who are employed; and for people already in employment who become disabled.

Employers must note that the cost of accommodation in an inaccessible building is high. However, it is highly likely that this will not be a defence in dismissing the employee, as CCMA cases have shown. It is therefore in the best interests of every employer to make sure that they only accept occupation of new buildings that comply with minimum standards, whether owned by the company, or leased. Where the building is existing, the lease agreement is a particularly important tool for bringing about change. If an employee becomes disabled, the employer will still be liable for accommodating the employee, even if the building is inaccessible. Medical boarding must not be the first option.

It must be proven that accommodation, within the person's current job profile, has been tried and reasonable accommodation has been made.

Employers must accommodate changes to the employees' pattern of work as well as accommodation in the built environment. An employer must be able to demonstrate that a comprehensive workplace assessment which is sensitive to the changes in the employee's circumstance, has been carried out and implemented with the employee with a disability. Without doing so, it is not possible for employers to demonstrate fair dismissal, to justify lack of recruitment, lack of promotion, or medical boarding. Refer to the Employment Equity Act and supporting documentation, as well as the Reasonable Accommodation Framework for more information.

3.4 Emergency Services and Disaster Management

Children, pregnant women, older persons and in particular persons with disabilities, when compared to the general population, face higher risks in emergency situations and are disproportionately affected by natural and other disasters.

Disaster management plans must therefore ensure that families with very young children, older persons and persons with disabilities requiring assistance during

evacuation and disaster warning, have prioritised access to disaster management services, and that a systematic approach to accommodating their needs has been implemented.

National and provincial disaster management centres must ensure that psychosocial support service personnel with the capacity to assist persons with disabilities in particular, are available for deployment during disasters and for post-traumatic stress following disasters, and that evacuation centres are accessible.

Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to these services for persons with disabilities.

This requires that all emergency and disaster management services be staffed with personnel who have immediate access to the required reasonable accommodation support systems and who have been trained in assisting persons with disabilities.

Persons with disabilities and their families are a unique resource of knowledge and experience, which is often overlooked, and should therefore be included in actions aimed at reducing the risk of disasters, building resilient communities, finding solutions during situations of disasters and emergencies, and preparing disaster risk plans.

All emergency and disaster management and occupational health and safety procedures must include a protocol to ensure that persons with disabilities have access to an equitable degree of information and safety as persons without disabilities using the same service.

Chapter 4

FINANCING UNIVERSAL DESIGN AND ACCESS

Organs of state, the private sector, and all other institutions that provide services are obliged to ensure that equitable provisioning is made to reach the goal that all environments, services and products are universally accessible.

4.1 Costing for universal design and access

Financial accountability relates to the way in which government finances have been committed, and for what. This concerns the private sector whether contracting directly or indirectly with the State.

It is compulsory that the cost for universal design and access be included and addressed during the design and planning stages, as this reduces the cost of

retrofitting or replacement to correct instances of marginalisation, exclusion and discrimination as a result of poor design.

Where minimum standards have not been met, necessary modifications or adaptations must be properly planned, managed and approved; and must include the cost of retrofitting after building completion. Retrospective allocation of costs on wasted expenditure will be allocated and apportioned to remove the lack of clarity on whether responsibility lies with the procurer of services, planner, designer, draftsman, contractor, municipal building control or associated government agency.

Of particular importance in this regard is that Section 38 (h) of the Public Finance Management Act²⁵ and Section 32 (2) of the Municipal Finance Management Act²⁶ requires that any fruitless and wasteful expenditure incurred by a public servant or municipal official must be recovered from the person liable for that expenditure after due process has been followed. Signing off on expenditure for infrastructure, service or product designs which do not comply with legislation and minimum standards governing such infrastructure, product or services, and which subsequently require retrofitting or redesign, or incurs legal costs, fall within the ambit of these clauses.

Cost reduction guidelines must take into consideration differences in local conditions and a cost-effective universal design processes, whilst maintaining national minimum standards.

Cost for accommodating accessibility must be developed by regulations.

4.2 Cost-benefit ²⁷

Poorly designed environments, services and products limit economic, education, health, social and other opportunities, especially for persons with disabilities, and makes them more dependent on others. This is also true for women, elderly people and children.

The following components must be considered to improve economic viability of family units and reduce the cycle of poverty that persons with disabilities and their families, in particular, are subjected to:

- Direct costs for persons with disabilities, including access to services such as travel or transport; indirect costs to support persons and or family members of persons with disabilities; and opportunity costs of foregone income for persons with disabilities. These components are compulsory to consider, but can be provided in a universal manner. Therefore cost reduction for travel can apply to everyone on the grounds of low income, whether they have a disability or not; not through

²⁵ Act 1 of 1999

²⁶ Act 56 of 2003

²⁷ Dr. Jill Hanass-Hancock (2014) Assessment of the Financial and Economic Costs of Disability to Households in South Africa. Draft Report. Department of Social Development

targeting people with disabilities alone. People with disabilities must be fully accommodated on the transport system;

- The cost of incorporating universal design is significant to individuals and their communities. For example wheelchair users face physical barriers, stigma and discrimination in their local communities. These barriers can lead to loss of opportunities to contribute economically as part of their families and communities, increased need for assistance to participate, and social isolation.

The provision of universally accessible services means that reasonable accommodation provision is incrementally reduced, and that the cost of providing reasonable accommodation support eventually becomes integrated into the regular costs of providing a service.

Chapter 5

INSTITUTIONAL ARRANGEMENTS FOR UNIVERSAL DESIGN AND ACCESS COORDINATION AND MANAGEMENT

Universal design and access underpins design, planning, budgeting, implementation, monitoring, evaluation, reporting and regulation. It is therefore the responsibility of every institution (public and private), every duty-bearer and all rights-holders, all regulators and those tasked with oversight, to play their part in ensuring that it contributes to the promotion of equality and social justice for all South Africans.

5.1 The Public Sector

State organs must take appropriate measures to:

- Establish internal mechanisms and capacity to ensure that universally accessible and equitable services are delivered to all persons, regardless of age, ability, gender, language, culture or socio-economic status;
- Review, amend, develop statutory regulations, monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- Bind by law, private entities either national or international; that offer facilities and services which are open or provided to the public and take into account all legal aspects of accessibility, in particular for persons with disabilities;
- Develop standards for accreditation in areas of universal design and access for purposes of registration;

- Enable registered service providers to provide accredited training for stakeholders on universal design and access;
- Enact legal measures to ensure compliance in buildings and other facilities open to the public;
- Promote and support research to strengthen the design, development, production and distribution of standards and products.

The WPRPD Implementation Matrix provides targets with regards actions to be taken by government departments and entities towards 2019 as well as 2030.

5.2 Capacitating Institutions with Specific Responsibilities

The following existing institutions have mandated aligned with the universal design and access agenda and responsibilities identified in this Framework:

- The **South African Bureau of Standards (SABS)** is a statutory body that was established in terms of the Standards Act, 1945 (Act No. 24 of 1945) and continues to operate in terms of the latest edition of the Standards Act, 2008 (Act No. 8 of 2008) as the national standardisation institution in South Africa, mandated to:
 - Develop, promote and maintain South African National Standards (SANS)
 - Promote quality in connection with commodities, products and services
 - Render conformity assessment services and assist in matters connected therewith.

The SABS therefore provides the platform for ensuring that the built environment, products and services meet universal design and access standards. Of particular importance is the capacity of their standard setting technical committees, certification and auditing division, design institute and training academy to drive the institutionalisation of universal design and access in South Africa,

- Similarly, the **National Regulator for Compulsory Specifications (NCRS)**, established through the National Regulator for Compulsory Specifications Act (Act 5 of 2008), mandated to promote public health and safety, environmental protection and ensuring fair trade through the development and administration of technical regulations and compulsory specifications as well as through market surveillance to ensure compliance with the requirements of the compulsory specifications and technical regulations, must strengthen their regulatory capacity in institutionalising universal design and access within the built environment.
- The **Council for Scientific and Industrial Research (CSIR)**, mandated to undertake directed, multidisciplinary research and technological innovation that contributes to the improved quality of life of South Africans, must strengthen its capacity to promote universal design in its research, technological innovation as

well as industrial and scientific development programmes for the built and digital environments.

- The **South African Qualifications Authority (SAQA)**, established in terms of the National Qualifications Framework Act 67 of 2008, and mandated to, among others, advance the objectives of the National Qualifications Framework (NQF); oversee the further development and implementation of the NQF; and co-ordinate the sub-frameworks, must strengthen its capacity to promote and coordinate the development of a national universal design qualifications framework.
- The **Department of Social Development**, within its role as current host of the **National Disability Rights Coordinating Mechanism**, and as owner of this Framework, must ensure its implementation through advocacy, coordination and reporting on progress made on an annual basis.
- The **Department of Telecommunications and Postal Services**, must coordinate the embedding of universal design and access within ICT policies and legislation.
- The **Department of Public Works**, as the custodian and manager of all national governments' fixed assets, with its implementing agencies must ensure that universal design access and standards are embedded in all public sector owned and leased buildings across all three spheres of government.
- The **Department of Transport**, responsible for regulation of public transport, rail transportation, civil aviation, shipping, freight and motor vehicles transportation in South Africa, must ensure that minimum standards for universal design and access are applied across the transport value chain.
- **National Treasury**, in its capacity of supporting the optimal allocation and utilisation of financial resources in all spheres of government to reduce poverty and vulnerability among South Africa's most marginalised, must ensure that all infrastructure, transport and neighbourhood development grants and tax rebate programmes incorporate a universal design and access requirement.
- The **South African Human Rights Commission, the Commission on Gender Equality, the Consumer Commission and other Regulatory Bodies** must proactively monitor and act upon discrimination which occurs due to the lack of universal design and access in the built environ, products and services.

5.3 Universal design and access Coordination within the Public Sector

Coordination at institutional level as well as sphere of government level must be through structured collaboration by the functions associated with gender mainstreaming, disability mainstreaming and mainstreaming the rights of children.

Taking into consideration that persons with disabilities have the most to lose if coordination is not effectively implemented, the lead should be the respective transversal disability rights coordinating mechanisms at national, provincial and local level, and the disability rights coordinators/focal persons at institutional level.

5.4 The Private Sector

The private sector has a responsibility to ensure that everyone is able to access their environment, products and services equitably, without discrimination. Private companies indirectly contact with the State and must make themselves aware of their responsibilities to develop an implementation plan, and to implement it within a reasonable timeframe.

5.5 The Research and Development Sector

The R&D sector must prioritise research into, and development of, universal design and access and its impact on the built environment, products and services, among others by formalising partnerships with international agencies in this field.

5.6 Civil Society

Participation of rights-holders in the development of standards, through recognised academic research methods particularly those that become national standards, is essential.

It is important therefore that affected rights-holders who could benefit from universal design and access:

- Familiarise themselves with the terms “*universal design*”, “*universal access*” and “*reasonable accommodation*.”
- Are able to draw to the attention of service providers, the nature of any barriers they experience when attempting to access a service and why these obstacles create a barrier;
- Understand the difference between a benefit and universal design and access;
- Report lack of universal access to the relevant regulatory body or human rights institution.

Chapter 6

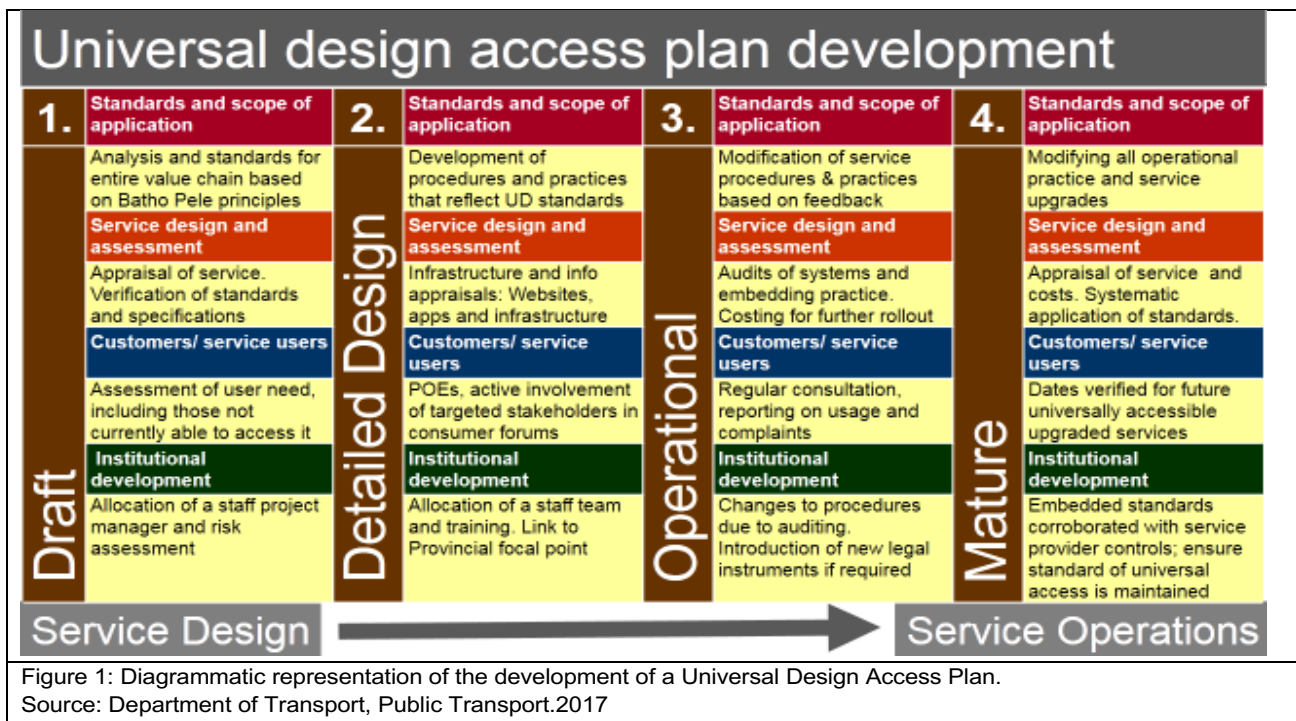
UNIVERSAL DESIGN ACCESS PLANS (UDAP)

A universal design access plan (UDAP) demonstrates the commitment of public and private service providers to implement measures to meet these targets, demonstrated by achieving indicators through reasonable measures and progressive implementation.

The UDAP must include the following measures as minimum requirements:

- Enabling environment;
- Disability awareness and customer service training;
- Provision of universal design expenditure patterns;
- Resource management planning;
- Compliance with minimum standards on universal design;
- Accountability and progressive implementation;
- Use of products and services that are universally designed and which are universally accessible.

UDAPs must be developed for every service delivered to the general public, and must be included as an integral component of institutional Equality Plans, as provided for in Chapter 5, Section 4(b) of PEPUDA, as well as Equity Plans as provided for by the Employment Equity Act. The stages and processes for the development of a UDAP are summarised below:



6.1 Management cycle of universal design and access

A cycle of management is indicated with four overlapping phases within a framework. These phases are; policy and direction setting, planning and design, implementation and performance management, review and evaluation. Universal design in project management must relate to social inclusion as a guiding principle, and headline indicators must be developed that support social inclusion, against which to measure progress.

6.1.1 Phase 1 Policy and direction setting

This phase involves research, analysing and consulting. There is a strategic level and an operational level. It is important to:

Strategic level

- Identify and understand the governance and legislative framework; including areas of compulsory compliance, design codes and regulations on minimum standards. Create socially inclusive targets against which to measure progress, which are supported and which clearly acknowledge feedback from affected stakeholders.
- Establish whether or not laws or policies themselves have been amended so that they are disability inclusive. Certain existing sector based legislation contradicts the Constitution and laws promulgated after 1996. It is as well to be aware of these areas from the outset.
- Identify data sources for factual information on whether or not people with disabilities have already been discriminated from accessing particular services. Some of this information should be available from national government as national government has to report on complaints and resolution of complaints as part of the reporting cycle on the WPRPD. Identify civil society organisations, and disabled people organisations in particular to participate in data gathering and to provide consultation on rational design or a rational approach to operational practice, where standards are lacking or laws are still discriminatory.
- Develop a value chain that would be universal to all users, is customer focused and which relates to their use of the system, not that of service providers or operators. This forms the unique identification of the service which can then be properly analysed, and against which performance standards and programmes for the UDAP can be developed. (Refer to Appendix A). Develop performance standards for the value chain and identify the recurring programmes necessary to deliver the entire value chain.
- Make information available to project managers and planners and designers for further action. Ensure that project managers work in a team, share information; and are able to capacitate themselves in areas where they have insufficient knowledge.

Operational level

- Establish a team with a project manager, and which includes the following responsibilities: planning and design, operations and frontline staff management, marketing and customer feedback, as a minimum;
- Identify and gather data on users who are currently not able to use the service due to their disability and other related target groups in legislation. The forms the baseline information against which to measure progress in service delivery.
- Establish the minimum standards required in service delivery throughout this value chain, and gather additional information where minimum standards are currently unavailable. As well as compulsory standards where available, ensure that voluntary standards have been referenced, if indirect legislation applies. For example, building regulations may not specifically relate to an area of a building, however, health and safety will apply once the building is completed. Whilst a requirement for accessible signage is not compulsory, if the service user then is unable to make use of the service due to a lack of information available to them, this results in lack of service delivery in an area where it is very easy to comply with voluntary standards.
- If an employer or service provider does not require compliance with minimum standards in the Building Regulations when a building is upgraded, and an employee or service user is barred access or egress due to this inability to ensure compliance with national minimum standards, the employer or service provider may find themselves in Court; although they were advised by the building professional or construction company that they didn't have to comply. If an official compliance route was not taken when information was clearly available at a national level, and health and safety problems or other problems arise, the employee or building owner may find themselves vicariously liable.
- Measure and assess progress against the value chain, using the defined set of standards. Review progress and publish it, informing disability groups and other targeted stakeholders about progress and any impediments. Report on this against the White Paper and the National Development plan.

6.1.2 Phase 2 Planning and design

This phase involves planning and designing the ways in which National Treasury will finance and resource universal design investments. This must include mitigating risk management, tracking of performance through indicators and recording progress against them.

Universal design and access planning should be approached from the point of compliance with minimum standards, whilst at the same time establishing collaboration with the relevant government department(s), disability rights

representatives, planners, designers, and project managers in assistive technology. Collaboration is particularly important in situations where compulsory minimum standards do not cover all areas, and a rational approach is required to service provision.

Any service provider taking decisions this approach should be mindful of any existing case law which should guide these decisions, and that all relevant parties have been consulted, especially affected stakeholders for whom these services are intended. Where professionals take decisions on behalf of stakeholders with disabilities without reference to them, and with reference to areas of work for which they hold no qualifications or in areas that they hold no qualifying experience, they are at risk of undermining their professional indemnity.

Stakeholders should set out the parameters for proposed designs and service plans including available time, funding considerations and priorities; consider service users with different types of disabilities and design accordingly, incorporating universal design into the planning phase. In this way, costs are identified and determined as part of the total construction and design cost, not as an 'add on'.

6.1.3 Phase 3 Implementation and performance management

This phase involves managing investments to achieve agreed outcomes for universal design and access planning. Universal design must be appropriate within the South African context, which recognises the Constitutional equality of all citizens, and in particular persons with disabilities. This will impact on the development and review of legislation, policies as well as standard operating procedures to ensure compliance with minimum standards that promote universal design and access.

6.1.4 Phase 4 Review and evaluation

This phase involves reviewing and evaluating the efficiency and effectiveness of the universal design access plan and determining the outcomes for future work for a period not exceeding five years.

Development of stakeholders and their advancement must be documented as age, gender and disability inclusive lessons are learnt. These lessons must be widely circulated and incorporated into the planning of service delivery, operations, strategic infrastructure plans and projects.

Equality Court cases, health and safety findings and other published outcomes, or information and advice from the SAHRC must be widely circulated to demonstrate how these should guide planning and practice.

6.1.5 Universal design appraisals and universal access audits and post occupancy evaluation

Appraisals and audits are practical and objective operational tools to evaluate whether or not standards have been implemented. They are carried out in relation to the programmes in the value chain and the performance standards (Refer to Appendix A). Operational evaluation tools relate to the building, products and facilities. A Post Occupancy Evaluation (POE) is a means of evaluating the performance of the service for people with disabilities to ensure that they can use it, as was initially intended. Given that problems for users may be expensive to address, it is worth including POE elements throughout the planning and design process, and maintaining a reference group to check on progress. This helps to ensure that the final product is on target. It is wise to realise that the end result of ignoring user need can be a court case.

6.1.6 Feedback mechanisms

All service providers have a duty to consult their users and to make sure that their needs have been accommodated. This includes government, whether national, provincial or municipal, and any agency of government. Service providers should monitor the number, nature and extent of the complaints received in relation to the service. Where resolution processes exist, it is best practice to find ways of resolving these problems.

National coordinating mechanisms in government enable action to be taken at a policy level, however, it should be noted that these feedback mechanisms do not preclude any service user from taking their concerns directly to a consumer council, a service ombudsman or to the South African Human Rights Commission. These bodies have their own reporting mechanisms, and clearly some cases may be resolved in the Equality Courts.

6.1.7 Monitoring and reporting

Reporting on universal access is an integral element of regular reporting as part of business management processes, and is the responsibility of each government department. Evaluation of service thresholds for all service users, including those with disabilities; and updating the UDAP as the service is implemented, is specific to different services.

Evaluating existing measures and evaluating potential new measures that promote universal design are both important for the achievement of universal access. The prevention of the erosion of basic thresholds to right of access through compliance with minimum standards is important in achieving access to services in a universal manner. The relationship of universal design to reasonable accommodation is a balance in evaluating implementation measures and maintaining basic minimum thresholds.

Ultimately government (whether municipality, provincial or national, or any government agency) bears direct responsibility for ensuring and enforcing accountability on universal design and access. It is the responsibility of the South African Human Rights Commission, courts and the legal system to oversee and enforce the accountability of government.

All relevant departments, levels of government, government agencies, organs of state associated with professions, members of the disability community, and service providers must take measures to prevent unnecessary miscalculations, mistakes and hazards occurring to persons with disabilities. Negligent or reckless designs are an offence.

Any person found guilty of having committed offences relating to universal design and access that may prevent citizens from accessing facilities or services in an equitable manner and/or cause danger is liable to a fine in accordance with the adjustments of fines act or imprisonment, as determined by a court; to both such fines and imprisonment.

Chapter 7

MONITORING AND EVALUATION

Evidence that informs universal design and access policy and programme development on the one hand, and strengthening accountability on the other, is derived through effective monitoring and improvement processes, research and statistics and data management as described below:

- *Monitoring and Evaluation:* All M&E processes must incorporate the universal design and access dimension, and organisations constituting the motive forces in universal design and access, e.g. representative organisations of persons with disabilities, must be part of all citizen-based monitoring programmes;
- *Evaluation Feedback and Improvement:* Mechanisms for interpreting and extrapolating feedback gathered from evaluations must be in place. These mechanisms should be aimed at making use of the feedback to ensure on-going improvement of policies and programmes.
- *Research:* Policy review and design of programmes and services often lack evidence-based research on the exclusion and/or successful inclusion of universal design and access. Improved coordination of research focusing on the benefit and impact of universally designed goods, services and built environment, or the absence thereof, and which provides sound evidence for future policy and practice decisions, will ultimately lead to improved outcomes for all South Africans; and

- *Disaggregated Data and Statistics Management:* Reliable statistics play a crucial role in the development of policies and legislation aimed at improving the lives of South Africans. Disaggregation of data and statistics makes visible how these policies and programmes impact on the lives of those at risk of marginalisation, exclusion and discrimination, enabling the development of inclusive policy and programme development.

Participation in monitoring and evaluation processes must be approached, among others, within the context of the Framework for Strengthening Citizen-Government Partnerships for Monitoring Frontline Service Delivery (2013), which emphasises the active participation of citizenry in order to provide key perspectives on service delivery that is vital to responsiveness of government.

Monitoring and evaluation of the extent to which programmes and services comply to universal design and access standards must be done across the Government-Wide M&E System (GWMES), which encompasses the Policy Framework on the GWMES; National Treasury's Framework for Managing Programme Performance Information (FMPPi); Statistics South Africa's South African Statistical Quality Assessment Framework (SASQAF); and the 2011 National Evaluation Policy Framework (NEPF) produced by DPME.

7.1 Indicators on universal design and access

Key indicators are variables that aim to reflect the changes resulting in an intervention. Indicators provide specific information on the state of condition of an event, activity or outcome and they can be a rich source of signals of change.

7.1.1 *Headline indicators*

Care should be taken not to develop too many indicators which have to be reported on and which require access to unavailable data. If this is so, it is questionable whether the indicator is actually relevant. Relevant indicators should be easily identifiable from the information gathered at national level which is already to hand and reflected in national documents.

However, reporting on the WPRPD requires Departments to report on complaints of users who are excluded. These complaints may be received by all related service providers and by all levels of government and their agencies, not national government alone, although it is the responsibility of national government to report on them. Therefore it is important that standard operating procedures are put in place to gather and report on this information.

Headline indicators developed on universal design and access for a particular service must reflect the higher principles from which the headline indicators have been

developed. There is a relationship between these indicators and the National Development Plan.

The lower level indicators relate to the value chain established for a particular service and there must be indicators for each step in the chain which also relate to the programmes identified.

7.1.2 Lower level indicators

These indicators have to show steady progress towards meeting the goal. Whilst some information may not immediately be available for these indicators, it should still be possible to obtain it without complexity. As well as reflecting the entire value chain, these indicators must form an integrated but identifiable element of services delivered as mainstream services, otherwise the goal of universally accessible services will not be met. Again it is important to have enough indicators to demonstrate whether the UDAP can be implemented effectively, but not too many to make the process of collecting them unduly onerous.

Wherever possible, any indicator should reflect intergovernmental goals. Given that all Departments are connected areas of service delivery are mainstreaming disability as a matter of national government policy, this should be relatively straight forward. In the private sector, indicators should support the achievement of intergovernmental goals related to the National Development Plan, and the White Paper on the Rights of Persons with Disabilities.

7.1.3 Consultation in developing indicators

Consultation must continue throughout conceptualisation and design of plans, implementation, and monitoring and evaluation.

Central to the development of good indicators is the engagement of persons with disabilities, particularly when they stand to be directly affected by any intervention. Such feedback is key to all facets of community living, such as public transportation and infrastructure, housing, information and communication technologies, recreational spaces, product design and development, and government or private services. Even with feedback channels in place, it is important that the consultation, participation, and engagement of persons with disabilities occur on an on-going basis, which can be extremely beneficial for recurring modifications, monitoring / compliance, and gaps assessment of any intervention.

This is consistent with the UNCRPD and the WPRPD which both state that persons with disabilities should have the opportunity to be actively involved in the decision make process about reasonable accommodation policies and programmes, including those directly concern them.

7.1.4 Development of Universal design and access Indicators

Indicators need to provide certain information and need to pass tests of reliability, feasibility, and utility in decision-making.

One challenge in developing a set of key indicators, and in particular within the context of universal design and access, is the need to make them contextually relevant. In order to have good indicators, they need to be drawn from local contexts, culture, and perceptions of stakeholders, including government and persons with disabilities. As indicators aim to reflect the changes in line with certain objectives, it is important to note that these objectives or goals are driven by local realities and may vary from one person to another, even when they have the same disabilities, or are all children, or are all older persons.

It is therefore not the intention of this Framework to prescribe an indicator framework, but rather to guide the development of universal design and access specific indicators across the M&E environment.

Proposed indicators which should be integrated, through consultation with all affected stakeholders, into all policies, programmes and monitoring and evaluation frameworks, and which should cover the entire value chain of every service, could include:

- Number and percentage of total services/built environs/transport modes/ community facilities/websites/technology/information systems which are fully compliant with universal design and access standards;
- Number and percentage of total services/ built environs/transport modes/ community facilities/websites/technology/information systems which provide only partial access to all persons with disabilities;
- Percentage reduction in inaccessible services/ built environs/transport modes/ community facilities/websites/technology/information systems through retrofitting or redesign;
- Number of accessibility related complaints received;
- Number of accessibility related complaints resolved;
- Number of injuries resulting from accessibility related challenges;
- Incidence of exclusion from opportunities resulting from lack of accessibility concerns.

CONCLUSION

“Everyone is equal before the law and has the right to equal protection and benefit of the law. 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.”

The Constitution of the Republic of South Africa, 1996

The equality clause in the Bill of Rights of the Constitution of the Republic of South Africa, and its relation to universal access – or the lack thereof – for persons with disabilities, have resulted in a number of court judgements in favour of rights-holders. *Juris Prudence* have been established, among others, through the following judgements:

- W H Bosch v The Minister of Safety and Security & Minister of Public Works, Case no. 25/2005 (Equality Court)
- Esthé Muller v Minister of Justice & Minister of Public Works, Case no 01/2003 (Equality Court settlement)
- Lettie Hazel Oortman v St Thomas Aquinas Private School, Bernard Langton, Equality Court 1/2010 (Equality Court)

This framework provides guidance for the embedding of universal design and access in all aspects of community life in order to secure the right to equal access and participation for all citizens and residents in South Africa, regardless of age, gender, ability, religion, culture or language.

ANNEXURE A: GENERAL SECTOR BASED PROVISIONS

Purpose of the Annexure

Universal design access plans (UDAP) provide the practical, implementable steps that service providers must take to enable persons with disabilities and other vulnerable groups to participate equally in social and economic life. Service providers in the public or private sector enable participation through the analysis of services (Value Chain), the identification of barriers (Non-compliance with national standards) and the design and implementation of the plan (UDAP). The purpose of this appendix is to explain how this should be done.

Areas of Participation

Development practitioners must apply universal design and access principles in twelve sector-based areas of participation. These are:

- Education
- Health
- Safety and Security
- Economy
- Skills
- Infrastructure
- Rural Communities
- Human Settlements
- Local Government
- Environment
- International Relations
- Public Service
- Social Protection
- Social Cohesion

Regulatory Framework / Enabling Environment

Value Chain

Barriers to participation are created by the non-provision or removal of facilitators. Each of the areas of participation above, consists of (a) value chain(s) which can be analysed to define how the services are to be delivered in a manner that enables participation by everyone. All value chains contain the aspects included in Table 1, to which national standards apply.

Define performance standards for the value chain

The activities indicated in the value chain can be defined by a set of performance standards that demonstrate how people with disabilities and other vulnerable groups are included alongside others, to illustrate a universally accessible, inclusive service.

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Develop programmes that cover the performance standards

By defining the value chain in a particular area of participation, it is possible to identify all the standards which will then be used in the process of auditing the universal design and accessibility of the service. These are likely to fit into specific programmes, such as infrastructure, service operations and customer service/marketing; amongst others. By developing specific programmes, all barriers of a similar nature can be addressed over a reasonable time period.

Aspects of participation	Examples
Regulatory framework / Enabling environment	<ul style="list-style-type: none"> • Sector specific legislation and policy • Strategy on universally accessible service delivery • Grant conditions (public sector) • Ring-fenced budgets (private sector)
Attitude	<ul style="list-style-type: none"> • Inclusive service delivery • Positive staff attitude towards inclusion and customer care • Stakeholder engagement including involvement of user groups with disabilities • Monitoring and reconciling complaints
Communication	<ul style="list-style-type: none"> • Microphones and sound systems compatible with hearing aids • Sign language • Audio description • Computer-based programmes assisting speech and hearing: word-text transcriptions / note-taking/ captioning / subtitles. • Lip speaking facilitators/ interpreters • Good signage & pictograms • Emergency evacuation procedures implemented and practiced • Maintenance management that is inclusive of universal access issues
Information	<ul style="list-style-type: none"> • ICT and general service related information in alternative formats, including Braille • Web-based Intranet and Internet information applications • Software and operating systems • Telecommunication products • Office machinery, desktop computers and laptops • Mobile Applications (Apps) • Kiosks, pay points and ATMs and other terminals • Television and Video Material • Video Gaming • Call Centres • Signage

Aspects of participation	Examples
	<ul style="list-style-type: none"> • Wayfinding • Maps and building information
Built environment and products	<ul style="list-style-type: none"> • Planning and design of settlements • Housing • Urban /rural towns, villages and cities • Long distance and commuter transport systems (road and rail), pedestrian environments and NMT, travel by air and sea and by private vehicle • Facilities for public and private buildings where services are delivered or offered • Public space including parks and playgrounds • Hospitals and clinics • Schools • Tourism facilities hotels and leisure parks
	<ul style="list-style-type: none"> • Built environment and products compliant with basic national standards • Evidence of action taken where transgressions occur to basic national standards
	<ul style="list-style-type: none"> • Product design and testing: personal products, products related to the built environment, fixtures and fittings

Sector-based Legislation

The legislative framework for universal access has already been outlined. Many sectors already have legislation that is UA compliant, however, there are some areas where the legislation is out of date.²⁸

Guidelines and Requirements

Each service provider must develop service or sector-based *Guidelines and Requirements* for service delivery which define universal access for a particular service and which explain how disability issues have been mainstreamed in line with the UDA and RA frameworks. These Guidelines and Requirements must be publically available and must be used in monitoring service delivery. Guidelines and Requirements may relate to ring-fenced budgets or to grant conditions.

Standards and scope of application

Standards relating to each part of the value chain are identified, in line with the table above. These are then applied as far as possible, and where not possible, remedial measures must be put in place until the scope can be widened to cover the entire service. The UDAP will explain how the standards are systematically being applied.

²⁸ Republic of South Africa (2015). Legislative Audit and Gap Analysis of Disability Rights Legislation. Department of Justice

Service design and assessment

The service must be evaluated against the standards, and monitored regularly. Where standards have been implemented incorrectly or have not been implemented, this must be identified. The reasons for non-compliance must also be identified.

Customers/service users

Market research should guide service provision, including research into why segregated groups may not currently be able to access the service. This is particularly important in the initial or draft stage of the development of the UDAP. This research provides the underlying need for modifying the service so that the correct barriers to service provision can be identified and so that mainstreaming is possible.

Institutional development

In order to deliver universally accessible services, members of the project management team must carry certain responsibilities. This team will include, amongst others; a project manager, built environment professional, service operations manager and a manager for customer service/marketing.

Risk assessment

A risk assessment identifies gaps in the ability to deliver the value chain, and in the standards available against which to implement the plan. It should also identify problems with the legislative framework, which may not comply with the WPRPD for historic reasons, and knowledge gaps of implementers.

ANNEXURE B – UNIVERSAL DESIGN AND ACCESS EXTRACTS FROM THE IMPLEMENTATION MATRIX OF THE WHITE PAPER ON THE RIGHTS OF PERSONS WITH DISABILITIES

#	Policy Directive	MTSF Outcome	2015 – 2019 Target	2020 – 2030 Target	Lead Agency
1.	REMOVING BARRIERS TO ACCESS AND PARTICIPATION				
1.2	Access to the built environment				
1.2.1	<p>Conduct universal design audits of all existing infrastructure to establish the degree of compliance with the SABS minimum norms and standards for the use of people with disabilities.</p> <p>The universal design audit of the built environment must include all public and private sector institutions and shared spaces. Quantified and costed plans must be developed to address the outcomes of the audits and the budget must be provided for implementation of the plan.</p>	All	100% of public sector owned and leased buildings audited with quantified and costed implementation plans for retrofitting completed	-	DPW Legislatures
1.2.2	<p>Develop a financing strategy to retrofit existing infrastructure</p> <p>The strategy must focus on raising the finances required to retrofit all public and privately owned buildings rendering services to the public. The retrofitting must comply with the SABS minimum norms and standards.</p>	12	Strategy and plan approved Financing mechanisms finalised	100% expenditure/uptake of financing mechanisms	NT
1.2.3	<p>Appoint and train infrastructure accessibility liaison officers (ALOs)</p> <p>Infrastructure accessibility liaison officers must be provided with appropriate accredited training. These officers must be deployed and/or appointed as part of all infrastructure development project management teams. The trained officers must also advise on, and if necessary, develop built environment regulations and/or amendments to existing legislation to ensure that the concepts of universal design and barrier-free access are adhered to in terms of all built environment infrastructure.</p>	05	Accredited modules and courses approved and registered with DHET Minimum of 2 persons with disabilities per municipality accredited as accessibility liaison officers	Minimum of 10 persons with disabilities per municipality accredited as accessibility liaison officers.	DPW
1.2.4	<p>Provide incentives for universally designed barrier-free infrastructure and built-environments</p> <p>State and private sector provided incentives and reward systems must be initiated and developed towards promoting universally designed and accessible built-environments that meet regulated norms and standards. These incentives must be aimed at transforming the</p>	12	National incentive/reward scheme to promote universal design in the built environment finalised	Implementation of incentive/reward scheme	DPW DCOG DSD (NDRCM)

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#	Policy Directive	MTSF Outcome	2015 – 2019 Target	2020 – 2030 Target	Lead Agency
	attitude of built-environment professionals towards designing barrier-free spaces and facilities.				
1.2.5	Operationalize regulatory framework for accessibility to the built-environment The regulatory framework for accessibility to the built-environment must be extended and integrated into land use management and town planning schemes and the overall design of landscapes, public open spaces and streets.	06 07 09	Regulatory framework in place & baseline established	20% improvement on baseline	DHS
1.3	Access to transport				
1.3.1	Incorporate the concept of universal design and access in all transport licenses and permits All transport-related licences and permits for all modes of transport must include universal design and access requirements.	01; 02; 04; 06; 07; 08	100% of all licenses and permits issued across the transport value chain include universal design and access requirements	50% implementation compliance	NDoT
1.3.2	Conduct transport access audits All public and private transport operators must conduct operational, staff and managerial audits of existing infrastructure, fleet and programmes against legislated minimum norms and standards. A costed plan must be developed to implement the outcomes of the audit. Implementation of the plan must be budgeted for.	01; 02; 04; 06; 07; 08	Minimum norms and standards for transport industry regulated	Access Audits across 100% of transport value chain completed and implementation plans costed	NDoT
1.4	Access to information and communication				
1.4.1	Promote access for persons with disabilities to new information and communications technologies and systems All public and private institutions must promote access to new information and communications technologies and systems, including the Internet. This can be done through the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become available at minimum cost.	All	Minimum norms and standards for website accessibility regulated 10% websites of public institutions comply to minimum norms and standards	100% websites of public and private institutions comply to minimum norms and standards	DTPS
1.4.2	Provide captioning on all television programmes This must be done by all public and private television channels.	14	100% of all news content of local television stations have captioning	25% of all locally produced television programming have captioning	ICASA
1.4.3	Ensure equal access to information and communication platforms All electronic media, broadcasting and print media platforms of all public and private media institutions and agencies must incorporate universal design principles, meet minimum norms	14	Baseline established by 2016	25% improvement across all platforms	DTPS DoC

#	Policy Directive	MTSF Outcome	2015 – 2019 Target	2020 – 2030 Target	Lead Agency
	and standards regulatory requirements, and government agencies regulating them must publish annual compliance reports.		10% improvement across all platforms by 2019		ICASA
1.4.7	Provide accessible emergency and disaster management information All emergency and disaster management and occupational health and safety procedures must include a protocol to ensure that persons with disabilities have access to an equitable degree of information and safety as persons without disabilities using the same service.	03 09 10	100% of emergency and disaster management plans, and 100% of occupational health and safety procedures include accessibility measures for persons with disabilities	50% compliance rate at implementation level	DCOG DoL
1.5	Universal design and access				
1.5.1	Develop universal design standards for the country The South African Bureau of Standards must accelerate development of universal design access standards for the country across all standards setting that impact on the lives of persons with disabilities. The standards must reflect the key principles of the concept of universal design.	06 12	Universal design access standards reviewed and finalised for ICT transportation, assistive devices and technology, the built environment	Universal design principles integrated and applied across all standard setting bodies	SABS Thedti
1.5.2	Develop and implement universal design access strategies, minimum standards and guidelines This must be done by all public and private sector institutions. The institutions must also monitor implementation of the strategy, compliance with the minimum standards and utilisation of the guidelines. The standards and guidelines must include all facilities and services open or provided to the public, including those rendered by operators/contractors.	05	Universal design and access guidelines and minimum norms and standards approved	Minimum norms and standards for universal design and access regulated	DST DPW DTPS NDoT Thedti
1.5.3	Provide education and training (i) <i>provide tertiary level education on universal design</i> - All pre-graduate as well as post-graduate training must have compulsory modules on universal design access and disability equity. Pre-graduate and post-graduate training that directly impacts on universal design access and disability equity must design further courses in this regard. (ii) <i>train decision-makers and implementers on universal design and access</i> - All public and private institutions must provide training for decision-makers and employees on universal design access, including the removal of barriers experienced by persons with disabilities and reasonable accommodation support measures.	05	Universal design and access modules for pre-and post-graduate training approved and registered	25% of pre-and post-graduate training courses include compulsory universal design and access modules 50% of SMS members in the public service have completed universal design and access entry level modules	DHET DPSA (NSG)

#	Policy Directive	MTSF Outcome	2015 – 2019 Target	2020 – 2030 Target	Lead Agency
	(iii) <i>Develop Accredited Universal Design and Access Training Courses</i> - These courses must be SAQA accredited. They must allow for differentiated accreditation for access advocates, professional categories. Where Continuing Professional Development (CPD) is required as part of professional training, professionals must be required to undertake at least one universal design access or disability equity course annually.			Universal design and access compulsory module in all CPD requirements	
1.5.4	Ensure service licences require universal design access, in particular for persons with disabilities All service licenses issued must require that service providers provide a service which incorporates universal design access principles and is fully accessible to persons with disabilities.	12	Regulatory framework incorporates requirement for universal design 25% compliance	100% compliance Annual reports published by all regulatory bodies	All regulatory institutions
2.3	Access to Justice				
2.3.1	Strengthen recourse mechanisms Recourse mechanisms include: <ul style="list-style-type: none"> strengthening enforcement of existing legislation; improving access to courts; improving equitable access to service delivery and consumer complaint mechanisms and institutions; strengthening the capacity of Chapter 9 institutions such as the SAHRC, CGE, Commission for Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities, Public Protector to respond to disability related issues and complaints; strengthening the capacity of NGOs, CBOs and FBOs, and in particular DPOs, to support persons with disabilities in accessing justice. This must include making available the full spectrum of reasonable accommodation support measures, access to the built environment, as well as procedural and age-appropriate accommodations within the police services, legal aid services and court procedures.	03 12	Reasonable accommodation support available across all services providing consumer and human rights protection 50% of all police stations, courts and consumer and human rights institution offices comply fully with built environment norms and standards	DoJCD; SAPS; DCS; DPW	
2.3.2	Strengthen monitoring systems to track access to the justice system for people with disabilities A system to ensure barrier free access to justice must be put in place. Specific attention is required to other barriers faced by persons with intellectual and psychosocial disabilities and their resulting discrimination due to decision-making or legal capacity, lack of assessments and other relevant issues.	03 12	Monitoring system in place and baseline available	Annual reports published on access to justice for all persons with disabilities	DoJCD; SAPS; DCS; DSD (NDRCM)

#	Policy Directive	MTSF Outcome	2015 – 2019 Target	2020 – 2030 Target	Lead Agency
3.	SUPPORTING SUSTAINABLE INTEGRATED COMMUNITY LIFE				
3.1	Building socially cohesive communities and Neighbourhoods				
3.1.1	Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages The rights of persons with disabilities must be integrated into all programmes and messages focusing on, among others, reducing inequality, building a united South Africa, moral regeneration, social cohesion and universal access to services.	14	50% of all social cohesion and human rights promotion programmes and messages highlights the rights of persons with disabilities	100% of all social cohesion and human rights promotion programmes and messages highlights the rights of persons with disabilities	All
3.1.2	Ensure that all community development programmes and community facilities are accessible to persons with disabilities This includes all social, economic, religious, cultural, sport and leisure facilities and programmes.	14	25% of existing facilities retrofitted to comply with minimum norms and standards 50% of existing programmes comply with accessibility standards	75% of existing facilities retrofitted to comply with minimum norms and standards 100% of existing programmes comply with accessibility standards	All
3.1.3	Ensure access to residential facilities, day care and other programmes to older persons with disabilities Residential facilities, day care and other programmes targeting older persons in general, must be made accessible to older persons with disabilities.	13 14	25% of existing facilities retrofitted to comply with minimum norms and standards 50% of existing programmes comply with accessibility standards	75% of existing facilities retrofitted to comply with minimum norms and standards 100% of existing programmes comply with accessibility standards	DHS] DSD
3.3	Accessible human settlements/neighbourhoods				
3.3.1	Include supported community living plans in all Integrated Developments Plans (IDPs) The Plans and budgets must make provision for coordinated and integrated community living support plans, focusing in particular on access to the built environment, integration of transport nodes and human settlement spatial design.	09	75% of metro municipal IDPs 50% of medium-size municipalities IDPs 15% of rural low functioning IDPs	100% of metro municipal IDPs 75% of medium-size municipalities IDPs 25% of rural low functioning IDPs	DCOG; DHS; NDoT; Municipalities

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3.3.2	Ensure all modes of transport are accessible to persons with disabilities Public and private transport systems must be designed and retrofitted to enable persons with disabilities to utilise the entire transport value chain without barriers.	06	15% of existing systems retrofitted and compliant with accessibility norms and standards across the transport value chain	75% of existing systems retrofitted and compliant with accessibility norms and standards across the transport value chain	NDoT; Provinces
3.3.3	Provide access to subsidised housing support Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state.	06 09	The National Needs Register has been reprioritised to give immediate access to applicants with disabilities and single mothers of children with disabilities	Waiting period for applicants with disabilities and single mothers of children with disabilities reduced to maximum 12 months for new stock and 6 months for existing stock	DHS; Provinces; Municipalities
3.3.4	Incorporate the concept of universal design in infrastructure grants and tax rebate programmes All infrastructure and neighbourhood development grants and tax rebate programmes must incorporate a universal design requirement.	06 12	100% of infrastructure and neighbourhood development grants and tax rebate programmes have a universal design criteria	100% of infrastructure and neighbourhood development grants and tax rebate programmes have a universal design criteria	NT
3.5	Protection during situations of risk and disaster				
3.5.1	Review all government disaster management plans to ensure provisions for persons with disabilities in emergencies The disaster plans of provincial, district and local municipalities must be reviewed. The plans must incorporate provisions to map homes and/or institutions in which persons who might require special assistance during emergencies are living, training of disaster management personnel, and to prevent injury during evacuations which might result in primary or secondary impairments. A specific Universal Design Access Plan for such situations must be developed.	09 10	100% of disaster management plans reviewed and universal design access plans developed and implemented	50% compliance with universal design access plans	DCOG; Provinces; Municipalities
3.5.2	Provide accessible disaster relief services National and provincial disaster management centres must ensure that psychosocial support service personnel that have the capacity to assist persons with disabilities, are available for deployment during disasters and that evacuation centres are accessible.	09	100% of national and provincial disaster management centres have formalised arrangements for availability of psychosocial support service personnel	100% of national and provincial disaster management centres have formalised arrangements for availability of psychosocial support service personnel	DCOG; Provinces

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3.5.3	Provide accessible emergency services Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to these services for persons with disabilities.	02 09	with required skills for deployment during disasters 100% of emergency personnel have been trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for Deaf and hearing impaired persons	with required skills for deployment during disasters 100% of emergency personnel have been trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for Deaf and hearing impaired persons	Municipalities; PDoHs
4.	PROMOTING AND SUPPORTING THE EMPOWERMENT OF PERSONS WITH DISABILITIES				
4.1	Early Childhood Development				
4.1.1	Children with disabilities must have equitable access to all ECD Programmes and Facilities This requires that mainstream ECD programmes and facilities are made accessible for children with disabilities, i.e. that infrastructure: attitudes, equipment and activities do not hinder the participation of children with disabilities. Thus building plans, playgrounds, equipment, toys and ECD practitioner training comply with universal design norms and standards.	01 13	Minimum norms and standards for inclusive ECD programmes and facilities developed, costed and approved and baseline established	50% improvement to access and participation across the ECD value chain	DSD; DBE; PEDs
4.2	Lifelong Education and Training				
4.2.1	Provide accessible education facilities This applies to all existing and future developed public and private education institutions and campuses.	01 05 06	Minimum norms and standards approved Baseline for access established Improvement plans costed and budgeted for over 10 year period	50% improvement in access across education facility spectrum	DBE; PEDs; DHET

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4.4	Access to Healthy Lifestyle Support				
4.4.1	Provide access to affordable healthcare services Integrated and holistic basket of accessible and affordable healthcare services at a district and community level, as well as access to higher levels of care, must be provided to all persons with disabilities.	02	Basket of accessible and affordable disability-related health care services at community level defined, costed and approved	50% of health care facilities offer the defined basket of services	DoH; PHDs
4.4.2	Provide access to victim empowerment and recourse programmes All persons with disabilities, and in particular women and girls with disabilities as well as older persons with disabilities, who are victims and/or survivors of disability-related and gender-based violence and crime, must have access to affordable victim empowerment and recourse programmes.	03	Protocols for full access to victim empowerment and recourse programmes for persons with disabilities developed, costed and approved 25% compliance rate	100% compliance rate	DSD; SAPS; DoJCD; DoH; PHDs
4.4.3	Ensure all HIV and AIDS prevention and treatment programmes are accessible to persons with disabilities This must include family planning, sexuality/sex education programmes. If it is not possible to remove all access and participation barriers, then disability-specific accessible services must be provided.	02 13	Protocols for full access to HIV and AIDS prevention and treatment programmes for persons with disabilities developed, costed and approved 25% compliance rate	100% compliance rate	DoH; PHDs; DSD; SANAC
5.	REDUCING ECONOMIC VULNERABILITY AND RELEASING HUMAN CAPITAL				
5.1	Disability, Poverty, Development and Human Rights				
5.1.3	Develop and/or strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disabilities The programmes and projects must focus on the following 7 areas: <ul style="list-style-type: none"> • Access to education; • Support for caregivers of children with disabilities and those for adults with severe disabilities; • Accessible and affordable transport; • Increasing household income through employment and work opportunities; • Provision of accessible transport to health care facilities; 	01 02 04 07 13	Baseline for access to range of programmes in rural municipalities established 25% improvement in access by rural communities to all programmes	75% improvement in access by rural communities to all programmes	DBE; PEDs; DoH; PHDs; DSD; NDoT; DoL; DCOG; DTPS

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5.3.2	<ul style="list-style-type: none"> Affordable assistive devices and support, including accessibility of information and communication technology; and <p>The inclusion of persons with disabilities in the design of key developmental areas such as housing and transport.</p> <p>Strengthen access to, and participation in, SME support programmes This must include strengthening all support programmes for entry level SMEs owned by persons with disabilities by implementing affirmative action targets and ensuring that reasonable accommodation support is available across the SME support services value chain.</p>	04	50% increase in participation by emerging SMEs owned by persons with disabilities in SME support programmes	100% increase in participation by emerging SMEs owned by persons with disabilities in SME support programmes	DSD
6.	STRENGTHENING THE REPRESENTATIVE VOICE OF PERSONS WITH DISABILITIES				
6.1	Strengthening Access and Participation through Self-Representation				
6.1.1	<p>Include persons with disabilities in all design, planning, implementation and monitoring of policies and programmes Government institutions at all levels and contexts of governance must consult relevant representative organisations of persons with disabilities (inclusive of parents organisations) in the design, budgeting, implementation and monitoring of legislation, programmes and services to the public in general, as well as services and programmes designed specifically for persons with disabilities.</p>	12	All public institutions have institutionalised consultative platforms with representative organisations of persons with disabilities	All public institutions have functional consultative platforms with representative organisations of persons with disabilities	DSD (NDRCM)
6.1.2	<p>Ensure private entities provide accessible services Private entities providing services to the public must be encouraged to involve representative organisations of persons with disabilities in developing and assessing the accessibility of their services</p>	12	Guidelines developed and published	Legislation developed and approved	DSD (NDRCM)
6.3.2	<p>Provide accessible consultative platforms and support for self-representation Persons with disabilities who experience barriers in representing themselves or organising themselves into representative organisations, must be provided with consultative platforms and support to represent themselves.</p>	14	Strategy and Plan for self-representation for under-represented groups approved	At least one dedicated NDRM consultation with every under-represented group per annum convened	DSD (NDRCM)

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6.4	Public Participation and Consultation Programmes				
6.4.1	All public participation programmes must be fully accessible to persons with disabilities This will include making use only of venues that are fully accessible, and ensuring that reasonable accommodation measures to ensure access to information and communication, are available.	12 14	Minimum norms and standards for access and participation in public participation programmes by persons with disabilities approved 50% compliance across all three spheres of government	100% compliance across all three spheres of government	DSD (NDRCM)
7.	BUILDING A DISABILITY EQUITABLE STATE MACHINERY				
7.1	Disability Equitable Planning, Budgeting and Service Delivery				
7.1.3	Develop and implement funded Universal Design Access Plans All public institutions must include a funded Universal Design Access Plan as an integral component of their annual performance plans and/or Integrated Development Plans. This requires that public institutions are able to illustrate how universal design principles are transforming planning and designing, and what reasonable accommodation support measures are funded.	12 14	Guidelines for Universal Design Access Plans approved 25% compliance with guidelines	100% compliance with guidelines	DSD (NDRCM); Legislatures
7.1.4	Incorporate universal design principles in procurement of goods, services and construction of infrastructure All state grant funding must incorporate a minimum requirement that universal design principles are included in the procurement of goods and services and construction of infrastructure. All service level agreements with state owned enterprises must include a disability dimension that contributes towards equitable outcomes for persons with disabilities.	12	100% compliance	100% compliance	NT; DSD (NDRCM)
7.1.5	Review all programmes targeting children for access to children with disabilities The review must be conducted on all public and private sector programmes. It must include all child-centred services and must focus on the elements of equal access and participation.	01; 02 03; 13 14	Review conducted and report with recommendations tabled to Cabinet	100% compliance with Cabinet decisions	DSD

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7.2	Disability Equitable Evidence informing Policy and Programme Development (Monitoring, Evaluation, Reporting, Research, Data and Statistics)				
7.2.2	Develop and implement a national research agenda A national disability research agenda for purposes of policy and programme development and tracking the reduction of inequality, must be developed at five year intervals to coincide with the MTSF.	12	Costed national disability research agenda for 2020-2030 approved	100% implementation of the agenda	DSD (NDRCM)
7.3	Public Procurement and Regulation				
7.3.1	All public procurement and tender documents and processes must comply with the concept of universal design Public procurement policies must include dispositions requiring that when public agents purchase products and services with public funds, the agent must purchase the product that best meets accessibility requirements as defined by international standards.	12	Guidelines approved and issued 75% compliance	Regulatory framework approved 100% compliance	NT
7.4	Capacity Building and Training				
7.4.1	Train personnel on providing services to persons with disabilities All public and private institutions must ensure that personnel responsible for frontline service delivery, design and planning, budgeting, service delivery, administration of justice and M&E, undergo on-going training on strategies and measures to ensure equality of outcome for persons with disabilities in their programmes. Additionally, disability equity and service delivery improvement training must be included in the annual continuous development programmes of all professional staff that render services to persons with disabilities.	05	50% of personnel completed at least one module on disability equitable service delivery	100% of personnel completed at least one module on disability equitable services delivery	DPSA; Professional bodies
7.4.2	Include modules on disability in all education materials and courses All education materials across the learning spectrum must include modules on inclusion and disability equity. All disability equity training courses must include persons with disabilities (inclusive of parents) as part of the trainer component.	05	Disability equity and inclusion modules developed for inclusion across the learning spectrum	100% compliance	DHET; DBE; SACA
9.	INSTITUTIONAL ARRANGEMENTS				
9.4	The South African Bureau of Standards must strengthen its universal design capacity in the work of their design institute and standard setting bodies.	12	Strategy and costed implementation plan developed in consultation	100% compliance with targets set	SABS

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9.5	The CSIR must strengthen its capacity to promote universal design in its research, technological innovation as well as industrial and scientific development programmes.	12	with the disability sector, approved and implemented Strategy and costed implementation plan developed in consultation with the disability sector, approved and implemented	100% compliance with targets set	CSIR
9.6	The South African Qualifications Authority (SAQA) must strengthen its capacity to promote and coordinate the development of a national universal design qualifications framework.	05 12	Strategy and costed implementation plan developed, approved and implemented	100% compliance with targets set	SAQA