

DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

NO. 2687

28 October 2022



REPUBLIC OF SOUTH AFRICA

AWARENESS-RAISING CAMPAIGNS FRAMEWORK

'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*. Office of the Deputy President. Foreword

Explanatory note

This framework provides a statutory reference for the promotion of Awareness-raising campaigns; its purpose is:

- To provide a statutory and regulatory framework for integrated and multi-disciplinary coordination of services and support for ARC;
- To establish priorities that will bring about change in the removal of barriers to raising and participation at the fastest possible pace for all sectors of society;
- To provide for the establishment of a national coordinating mechanism to support the implementation of ARC in a culture of mainstreaming;
- To provide early intervention and progressive realisation to integrate awareness-raising into service provision by means of implementation plans, referred to as awareness-raising plans;
- To develop and monitor the implementation of performance standards and guidelines for the ARC of services open to or provided to the public; and

- To provide for specific roles, functions and responsibilities at all government levels/spheres (IGR process) departments and other stakeholders; and to provide for matters connected therewith.

Relationship of this framework to the White Paper on the Rights of Persons with Disabilities and to the National Development Plan

The White Paper on the Rights of Persons with Disabilities (WPRPD) supports the implementation of the National Development Plan. People with disabilities share the same goals and aspirations as non-disabled people, and this is described in the following way in the WPRPD:

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”*.¹

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 and 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 of persons with disabilities, has been conducted and should be utilised in determining actions and targets for purposes of implementation of the WPRPD. The WPRPD requires this in Pillars 1, 2, 3, 4, 6, 7 and 9 in particular. The provision of awareness-raising services results in:

- Independent living;
- Participation in society;
- Increased choice and options for quality of life; and
- Awareness-raising campaigns with regard to disabilities.

Therefore the relationship of this framework is to provide a toolkit to all service providers in the public and private sector; but particularly to government itself which is responsible for compliance. The following is also taken into consideration:

- 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;

¹ Republic of South Africa (2015). White Paper on the Rights of Persons with Disabilities. Page 28

- Removing discriminatory barriers to awareness-raising campaigns and public participation;
- Reference to UNCRPD Article 8 as legal mandate;
- Recognising the Awareness-raising campaigns and Public Participation Right;
- 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;
- Embedding the obligations contained in the UN Convention on the, policy and service delivery; and
- Rights of Persons with Disabilities in legislation

Legal Mandate for the framework

The Constitution of the Republic of South Africa, 1996.

The Promotion of Equality and Prevention of Unfair Discrimination Act 52 of 2002:

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 mandate for this framework is also founded on UNCPRD (Article 8),² and the White Paper (Pillars 1, 2, 3, 4, 6, 7 and 9).³

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 White Paper on the Rights of Persons with Disabilities (2015) also states that:

“The National Building Regulations and Building Standards Act, 1977, as well as the National Guidelines for awareness-raising currently constitute the regulatory framework for awareness-raising.”⁴

² United Convention on the Rights of Persons with Disabilities and Optional Protocol.

³ Republic of South Africa (2015). White Paper on the Rights of Persons with Disabilities

⁴ Republic of South Africa (2015). White Paper on the Rights of Persons with Disabilities. Page 61.

This *ARC Framework* provides the *National Guidelines for awareness-raising* contained therein, acknowledges subsequent amendments to the Building Regulations and Standards Act 1977, and provides the framework for the review of this Act.

PREAMBLE

WHEREAS: the bill of rights in the constitution of South Africa provides that “everyone has the right amongst the other to human dignity before the law”

WHEREAS: awareness-raising campaigns enables citizens to be respected in society and to have recourse to their rights as provided for in Section 9 (2) of the Constitution of the Republic of South Africa 1996; which promote equality before the law for all citizens, to human dignity and equality before the law;

WHEREAS the framework seeks to support the development, monitoring and auditing of norms, standards, guidelines, principles and indicators for awareness-raising campaigns;

WHEREAS the United Nations Convention on the Rights of Persons with Disabilities, in the Declaration of basic principles of justice for persons with disabilities and anti-discrimination through legal means, urges all States parties to an act appropriate legislation to empower persons with disabilities through awareness-raising campaigns;

WHEREAS The Republic of South Africa is a signatory to the above mentioned Convention and so ratified it for purposes of implementation by Declaration;

WHEREAS The Republic of South Africa promulgated the White Paper on the Rights of Persons with disabilities for purposes of domesticating the United Nations Convention on the Rights of Persons with disabilities;

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 Persons with disabilities and their families are at the centre of the criminal justice process;

WHEREAS The Republic of South Africa recognizes a multi-disciplinary approach to achieving awareness-raising is required;

WHEREAS it is necessary to take practical steps and reasonable measures to progressively realise awareness-raising campaigns and to achieve awareness-raising campaigns;

WHEREAS it is necessary to introduce enforcement mechanisms and regulations through different government structures to ensure that awareness-raising campaigns is implemented as required by the Constitution;

WHEREAS this framework promotes social cohesion and inclusive decision making processes in a prescribed manner with regard to the *ex parte* principle;

WHEREAS this framework in a prescribed manner recommends a South African social attitude survey in relation to disability rights awareness-campaigns;

AND WHEREAS this framework in a prescribed manner highlights four focus areas of awareness-raising campaigns as promulgated in article 8 of the UNCPRD namely; enhancement of awareness-raising campaigns (disability rights focus), awareness-raising for specific sectoral groups, communication strategy and media, relationship between media and awareness-raising campaigns on the rights of persons with disabilities and sensitization (trainings).

LIST OF DISABILITIES ORGANISATIONS**Albinism Society South Africa (ASSA)****Autism SA****Blind SA****Cheshire Homes****Deafblind SA****DeafSA****Dementia SA****Disability Association of South Africa National Military Veterans****Disabled Children Action Group****Disabled People South Africa****Disabled Women South Africa****Albinism Society South Africa (ASSA)****Association for Hearing Loss Public and Development (AHLAD)****Autism SA****Blind SA****Cheshire Homes****Deafblind SA****DeafSA****Dementia SA****Disability Association of South Africa National Military Veterans****Disabled Children Action Group****Disabled People South Africa****Disabled Women South Africa****Disabled Youth South Africa****Down Syndrome SA****Epilepsy SA**

Muscular Dystrophy Association of SA

National Association for Cerebral Palsy

National Association of the Blind and Partially Sighted Persons

National Association of the Blind and Partially Sighted Persons

National Council for and of Persons with Disabilities

PACSEN (Parents for Children with Special Educational Needs)

QuadPara Association of SA

SA Deaf Youth Development Project (SADYDP)

SA Federation for Mental Health

SA National Council for the Blind

SA National Deaf Association

South African Deaf Women Association

Ubuntu Centre

Table of Contents

Chapter 1

INTERPRETATION, OBJECTS AND APPLICATION OF THE FRAMEWORK

1. Abbreviations, definitions and interpretation
2. Objects of the framework
3. Application of the framework
4. Limitation and exception of the framework

Chapter 2

ENHANCEMENT OF AWARENESS-RAISING CAMPAIGNS (Disability Rights of and services for persons with disabilities)

This chapter is mandated by three elements which obligate the state to adopt immediate, effective, and appropriate measures which advocates the improvement and development of awareness-raising campaigns (Article 8 (1) (a) (b) and (c) of the UNCRPD). Furthermore, it propagate advocacy campaigns on the rights of persons with disabilities.

Chapter 3

AWARENESS-RAISING FOR SPECIFIC ROLES AND RESPONSIBILITIES OF SERVICE PROVIDERS/SECTORAL GROUPS

This chapter covers the sectoral groups and the public in general by initiating and maintaining, promoting recognition, and fostering at all levels of the education system on the issue of awareness-raising campaigns (Article 8 (2) (a) (i) (ii) (iii) and (b) of the UNCRPD)

Chapter 4

RELATIONSHIP BETWEEN MEDIA AND AWARENESS-RAISING CAMPAIGNS ON THE RIGHTS OF PERSONS WITH DISABILITIES, COMMUNICATION STRATEGY, AND MEDIA CAMPAING (INSTITUTIONAL ARRANGEMENTS)

This chapter deals mainly with the influence of media towards society, which will result from how media view and relate to the awareness-raising campaigns on the rights of persons with disabilities (Article 8 (2) (c) of the UNCRPD)

Chapter 5

SENSITIZATION (Training Programmes)

This chapter covers the aspect of promoting programmes which deals with disability rights (Article 8 (2) (d) of the UNCRPD)

Chapter 6

MONITORING AND EVALUATION

Chapter 7

GENERAL PROVISIONS

This chapter covers founded authority, locus standi, constitutional rights (know your constitution campaign), and case laws on which this framework is based. In this chapter unless the context is stated otherwise determines provisions and what they mean establishment of jurisdiction services rendered as well as well enforcement mechanism from a multi-disciplinary rights perspective. This chapter also determines compliance and the methodology of drafting regulations on awareness raising campaigns.

Regulations

Government shall promulgate regulations regarding the manner in which persons with disabilities may be included in promoting awareness raising as service providers. Information to be obtained from government departments regarding disability rights legislation. The manner in which information may be provided to the South African public with regard to disability rights awareness.

Procedures and conduct of the public towards persons with disabilities; promotion of media relation and training. Registration and accreditation of service providers that provides training on awareness raising (empowerment project). Procedure to be followed in connection with the lodging and consideration and registration of professionals. The structure in which the annual report on awareness raising campaigns must be published.

Jurisdiction of the framework both the Equality Courts and Constitutional Court

Section 9-35 of the South African Constitution, 1996.

Human Rights Education and know your Constitution Campaign with specific locus stani

Inclusion of disability awareness within all national commemorative days

Funding awareness-raising campaigns

Chapter 1**INTERPRETATION, OBJECTS AND APPLICATION OF THE FRAMEWORK****Section 1****Abbreviations**

ARC	Awareness-Raising Campaigns
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	Organisation of Persons with Disabilities/Disabled People's Organisation/ 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

Definitions and interpretations

In this framework, unless the context otherwise indicates:

Adaptive behaviour- is the collection of conceptual, social and practical skills that are learnt and performed by people in their everyday lives:

- **Conceptual skills** – include language and literacy; money, time, and number of concepts; and self-direction
- **Social skills** include interpersonal skills, social responsibility, self-esteem and gullibility.
- **Problem solving:** includes the ability to analyse problems and overcome obstacles leading to the resolution of problems
- **Practical skills** include activities of daily living (personal care) occupational skills, health care, travel/transportation, schedules/ routines, safety, use of money, and use of technology

Affirmative action: Any action taken to support or empower designated groups. In terms of disability equality this means removing barriers or providing enablers to create a situation where equal participation is possible.

Awareness: Awareness is a somewhat broad and vague term, yet one that is intuitively widely understood (*EX parte Principle*). As part of a permanent and interactive communication flow, awareness-raising is a process which opens opportunities for information exchange in order to improve mutual understanding and to develop competencies and skills necessary to enable changes in social attitude and behaviour.

“Assistive devices” means 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” It is an umbrella term that includes assistive, adaptive, and rehabilitative devices and services for persons with disabilities, which enable persons with disabilities and learning differences to attain independence

Assistive devices and technologies for particular groups of persons with disabilities where these are needed, must also respond to the principles of awareness design. Awareness-raising is therefore the most important tool to achieve awareness raising.

“Augmentative and alternative communication” is an umbrella term that encompasses the communication methods, aside from traditional speech, used to supplement or replace speech or writing for people who require an alternative means for producing or comprehending spoken or written language.

Assistive devices and technologies for particular groups of persons with disabilities where these are needed, must also respond to the principles of awareness-raising. Awareness-raising is therefore the most important tool to achieve awareness raising.

Barriers- obstacles and impediments that prevent people from free movement, decision making, association, and participation. Barriers may be environmental (facilities, infrastructure or product-related) or created by attitudes and systems that limit functioning and create disability. Barriers can also be created by failing to provide an enabler which, had it been provided, would have mitigated the effect of the barrier.

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.

“Civil society organisation” means an organisation registered in terms of the non-profit organizations act of its sectoral service and includes coalitions of such organizations

Communications this refers to verbal and nonverbal means of conveying information. The United Nations Convention on the Rights of Persons with Disabilities (2007) defines communications as inclusive of languages, display of texts, Braille, tactile communication, large print, multi-media 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 raising-awareness information communication technologies.

“Community Based Rehabilitation” It is a strategy to enhance the quality of life of persons with disabilities through rehabilitation and habilitation, equalisation of opportunities, poverty reduction, and social inclusion. CBR as a service is implemented through the combined efforts of persons with disabilities themselves, their families, organizations, and communities, and relevant governmental and non-governmental health, education, vocational, social, and other services.

“committee” means the national awareness-raising raising committee which is the coordinating mechanism as established in terms of this framework

“Constitution” means the Constitution of the Republic of South Africa 1996 (supreme law of the Republic)

“Department” means any government department responsible for service delivery within the three spheres of government; whether national, provincial and municipal government. It also includes the agencies of any government department, state-owned entities or sector institutions.

Disability The UNCRPD does not attempt to define disability per se, but rather describes disability as an evolving concept.

Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied raising to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments.

Persons with disabilities experience three main types of interrelated barriers:

- social (including high cost, lack of disability awareness, and communication difficulties);
- psychological (such as fear for personal safety); and
- Structural (including infrastructure, operations and information).

“Discrimination” Discrimination is 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” Discrimination on the basis of disability means of 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 and failing to provide awareness-raising (or awareness raising)

“Disability Mainstreaming” Disability Mainstreaming requires a systematic integration of the priorities and requirements of persons with disabilities across all sector. It requires mainstreaming of disability rights issues into new and existing legislation, standards, policies and strategies; their implementation, monitoring and evaluation.

Barriers to participation must be identified and removed. Mainstreaming therefore 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.

Disabled Peoples Organisations- 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 based on their membership demographics. The majority of DPOs have an advocacy role and ascribed to the principles of self-representation. Some DPOs have also moved to serve as service providers for their constituency.

DPOs support the development of persons with disabilities’ capacities by providing them with a common platform to exchange and share their experiences and build a common voice. They engage in the provision of information on disability for their members (on their rights, but also existing services, facilities and provisions).

They are membership based and include underrepresented groups and those who experience compounded marginalisation, including their families. Organisations, constituted and run by parents of children with disabilities, fall under the classification of DPOs. They represent the voices of parents of children with disabilities, and of children with disabilities. Adults with profound disabilities may also be represented by interested parties

“Disability Services Organisation” DSOs focus on service delivery (rehabilitation, habilitation, counselling, training, employment support etc.) to persons with disabilities, and are not necessarily membership-based organisations. They are run by service providers and/or community members.

Disclosure of disability- it is a voluntary notification by persons with disabilities (eg: employee to an employer, or a user of a service to the provider) that the person has a disability, which may not be immediately obvious. Disclosure is often a difficult issue for persons who have a non-evident or invisible disability. These disabilities may range from sensory impairments to neurological impairments and illnesses or medical conditions which may have disabling consequences. These can include i.e. diabetes, strokes, AIDS-related illnesses or cognitive conditions. It can also include psychosocial disabilities such as major depression, bipolar disorder. It can also include conditions of perception and cognition such as print or reading disabilities (dyslexia).

“Duty-bearers” Duty-bearers in human rights law include governments, national and local authorities, public officials and service providers.

“Early intervention” means services designed for awareness-raising and facilities made to facilitate change in individual, environment and societal factors that could impact negatively on the livelihood and wellbeing of persons with disabilities

“Empowerment” Empowerment refers to processes, procedures and actions aimed at affording raising, equal treatment, inclusion, participation, accountability and efficiencies (as defined in the Broad Based Black Economic Empowerment Act)

Enablers devices, tools, environmental features or live assistance, that enable a person with a disability to function on an equal basis as others. Enablers are person specific.

“Enabling environments” Interrelated physical and other infrastructures, built-environments, culture, laws, policies, information and communication technologies, and organisations that must be in place to facilitate the socio-economic development of persons with disabilities.

“Equality” Equality refers to the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes equality according to the law and in terms of outcomes. It ensures that individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their requirements. It is the right of different groups of people to have respect for their social position and receive equitable treatment in society.

Equality is the removal of discrimination that ensures all opportunities and life chances are available to persons with disabilities on an equitable basis with others. Measurements of equality might address changes in the outcomes of a particular policy, programme or activity or changes in the status or situation of persons with disabilities, such as levels of poverty or participation. The equality indicators must be responsive to age, disability, gender, race and income differences. Equality indicators will be used to hold institutions from all sectors of society accountable for their commitments.

‘Equality’ under PEPUDA includes “the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes de jure and de facto

equality and also equality in terms of outcomes" (defined in terms of section 28 of promotion of equality and prevention of unfair discrimination act 52 of 2002)

"Exclusions" Exclusion refers to the act of socially isolating or marginalizing an individual or groups on the basis of disability, 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 participation and equality- equal participation would take place if equalisation of opportunities to participate is provided through awareness-raising and reasonable accommodation measures. Emphasis must be placed on development of rights and the protection of rights of people with disabilities. In adapting to social structures, social models focus more sharply on empowerment, participation and modifications to promote equalisation of opportunities for all. Technological innovations and advances in the physical environment are reflected in the expanded range of materials and equipment that promote awareness-raising for all in terms of ease of use, durability, ergonomic design and awareness-raising media.

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

Impairment- is normally a defect, loss or a significant deviation in body structure or functioning. The impairment may be permanent or temporary progressive or regressive. It can be sensory, physically, intellectual, psychosocial, neurological, psychological in nature. An impairment which is associated with these causes does not imply illness or disorder.

Information: Instructions, directions and explanations that describe how to use a service or raising information necessary to use the service. It includes apps designed for service use.

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

Intellectual disability – is a disability characterised by significant limitations in both intellectual functioning and in adaptive behaviour, which covers everyday social and practical skills. This disability originates before the age of 18.

Intellectual functioning- intellectual functioning also called (intelligence) refers to general mental capacity such as learning, reasoning, problem solving etc.

"Independence" Independence is a 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.

“Live assistance services” A range of services, provided by one or more persons and/or service animals, designed to assist an individual with a disability to perform daily activities that the individual would typically perform if they did not have a disability. Such services must be designed to increase the individual's control of their life.

It removes the element of discrimination and segregation by providing for equal participation. (Personal Assistants include amongst others personal aides, guides, lip-speakers, whisper interpreters, South African Sign Language interpreters, note-takers, and interpreters for Deaf-blind persons, sexual and intimacy assistants, service dogs, guide dogs);

Mandatory (legal interpretation) – compulsory; must be done; commanded or ordered to act

“Mobility” means 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 UNCPRD. The function is primarily responsible for overall coordination of implementation and monitoring of the national disability rights agenda.

“Person” means 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.

“Prescribed standards” means prescribed norms and minimum standards of Awareness-raising by regulations.

“Progressive realisation” ‘The term refers to the progressive realisation of economic, social and cultural rights of human rights relating amongst others to the workplace, social security, family life, participation in cultural life, and raising to housing, food, water, health care and education.

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. 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.

“Psycho-social services” means social welfare and physiological services; or EAP programmes in employment, and other workplace support services aimed at restoring the functioning of individuals and families, as prescribed in the integrated framework for social welfare services

Physical environment is the external and internal environment, and any element of it; facilities, products, and infrastructure; whether in public or private space.

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

“Rehabilitation and habilitation” Rehabilitation and habilitation is a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychosocial and/or social functional levels, thus providing them with the tools to change their lives towards a higher level of independence. Rehabilitation may include measures to provide and/or restore functions, or compensate for the loss or absence of a function or for a functional limitation.

“Rights holders” All human beings are inherently rights-holders who should enjoy awareness human rights that must be guaranteed through the progressive implementation of legislation. For purposes of this policy, rights-holders refer in particular, to persons with disabilities and their families

“Self representation” Self-representation refers to 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.

“Service provider” for the purposes of this framework, an services provider means any entity providing services to the public in terms of this framework

“Awareness raising” The process of awareness-raising meets and maintains the mutual needs and interests of the actors involved and recognize their rights through national commemoration days popularization of relevant legislation and a disabilities rights awareness campaigns through media, advocacy programs etc. Awareness-raising is method of communication through design of products, environments, programs and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialized design.

Unjustifiable hardship (legal interpretation) – unjustifiable hardship is an action that requires significant or 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.

Section 2

Objects of the framework

The objects of the framework are to:

- Provide the context within which ARC is required in national legislation;
- To ensure that ARC relates to the human condition and applies to all service users, whilst protecting the right to the removal of barriers to participation for people with disabilities
- Provide for and protect the rights of persons with disabilities on awareness-raising;
- Ensure that all services available to the public in the private or public sector make provision for awareness-raising regardless of citizenship, race, gender, sex, age, culture, religious and personal circumstances.
- Provide for the development of national norms, performance standards and indicators for ARC, to determine progress of implementation.
- Provide for the evaluation of national norms, performance standards and indicators; consultation on them and their refinement;
- To highlight the relationship between awareness-raising, health and safety and emergency evacuation.
- Provide for the legal context and development of an ARC plan (ARCP) by the service provider. The ARCP demonstrates to the service user how they are able to raising services and how implementation will take place, and in what timeframe;
- To draw attention to the mechanisms of service providers which can be used to implement ARC.
- Provide for the monitoring of the implementation of national norms and performance standards, through the ARCP, against pre-determined indicators;
- Provide for the auditing of services, for their evaluation and for the prospect of legal recourse;
- Clarify the roles and responsibilities of the public and private sector; in the provision of ARC within the basket of services, devices and facilities; and
- Make provisions for the relevant institutional arrangements for ARC.
- Promote and popularise human rights education through the bill of rights, section 9-35 (**KNOW YOUR CONSTITUTION!**)

Section 3

Application of the Framework

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, South African National Standards and the White Paper on the Rights of Persons with Disabilities, and United Nations Convention on the rights of persons with disabilities (Article 8) under which it falls.

The framework is intended to be used as a practical guide providing information and advice on awareness-raising and awareness raising for government, the private sector, and civil society; including persons with disabilities themselves, so that it can be understood and implemented.

South African legal context

The Promotion of Equality and Prevention of Unfair Discrimination Act 52 of 2002 (section 28)

The framework is issued in terms of Section 54 of the White Paper on the Rights of Persons with Disabilities, which is taken from Section 9 (3) of the Constitution of South Africa, 1996 and Article 8 of the United Convention on the Rights of Persons with Disabilities and Optional Protocol. According to the Constitution

“ 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 religion, colour, sexual orientation, age, disability, religion, conscience , believe, culture language and birth”⁵

International legal context

This framework provides guidelines for awareness-raising; which is required by all countries that have signed and ratified the UN Convention on the Rights of Persons with Disabilities.⁶ This framework also adheres to the principles of international law on awareness-raising.

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

The standards for awareness-raising necessary to eradicate discrimination against people with disabilities in South Africa, are limited to certain sectors of life. Compliance with these standards remains a significant barrier to participation (ISO31000/2018).

South Africa has a Constitutional responsibility to undertake a legal audit; reviewing existing discriminatory laws, bringing in new legislation to address gaps and to promulgate standalone disability legislation if proved necessary. This framework will be a guiding document for any disability legislation.

Obligations of persons with disabilities

The framework intends to assist persons with disabilities by helping you to understand your rights and by providing you with certain obligations:

For people with disabilities this framework explains:

- Your right not to be discriminated against in all aspects and stages of life, to be treated with fairness, respect, dignity and privacy when raising any services, facilities, devices and procedures of departments or public and private service providers;
- Your right not to be discriminated against on the basis of disability 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, 52 of 2002;
- Your right to independent living and alongside everyone else, to awareness design products, facilities and environments;
- Your right to reasonable accommodation measures if you are not accommodated by the mainstream service provision;
- Your obligation to ask for accommodation if you should require any;
- Your obligation to ask for raising to all aspects of a service and to require to be accommodated with everyone else using the service;
- In the event of lack of an awareness-raising service, your obligation be able to make the final decision about the type of reasonable accommodation which accommodates your needs, is within the capacity of the service provider and is viable for both parties; unless it directly discriminates against you for an unjustifiable reason, or creates a risk to another person's health and safety;
- Your obligation to provide feedback if you are not receiving the same standard of service as non-disabled people, including raising to information and communication;
- Your obligation to participate as an informed partner with the service provider in the process of service delivery, monitoring and evaluation; and
- Your obligation to participate in research to develop awareness-raising standards which will minimise the need for reasonable accommodation;

Obligations of government, business and civil society:**To support ARC in society**

This framework shall be applied according to the prescripts of the United Nations Convention on the Rights of Persons with Disabilities, policy directives of the White Paper on the Rights of Persons with Disabilities, general principles of awareness-raising, legal remedies and recourse.

The purpose of awareness-raising is to create awareness raising services that every South African can use. Therefore the underlying prescript is that all service providers must innovate to make their services raising able to any person with a disability attempting to raise them, whether or not awareness-raising was considered at the outset; and not deny the person the right of raising to services of any kind.

To support ARC services⁷

The state and the private sector have an obligation to provide and support awareness raising campaign, whilst a person with a disability (whether temporary or permanent) continues to participate in life's activities. No insurance policy may contradict this basic right to participate.

Every service provider whether public or private, and whatever the nature of the service; has a duty to progressively implement awareness-raising campaign, raising and reasonable accommodation and to be able to demonstrate at any point in time that it is doing so.⁸

Every service provider whether public or private, and whatever the nature of the service; may not downgrade awareness-raising campaign, raising and reasonable accommodation to a level previously provided.

Every service provider has an obligation to apply the Batho Pele principles to their own service and to ensure that they are implemented.

It may be necessary to rework how services are delivered to maintain competitively, whilst maintaining equality of outcome. Every provider of a service has an obligation to create an enabling environment which supports awareness-raising campaigns, and to provide awareness raising and reasonable accommodation measures.

⁷ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 4 of 2000. Chapter 2, Section 9

⁸ 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.

Examples of ARC services

Awareness-raising facilities may include:

- Public awareness raising programmes
- Media campaigns
- Road shows
- Universal designed goods and services
- Legal recourse and rights
- Web based apps
- Information technology accessible which accommodate ICT's
- Awareness raising for transport users and service providers
- Campaigns which p[romotes human rights education

Section 4

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 awareness-raising may vary depending on the nature of the service offered or provided; raising to the service must be easily available, right of raising must be assured and the lack of provision of minimum standards for awareness-raising 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 makes compliance with minimum standards compulsory, such as in building design, product design and services affected by the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 52 of 2002); which includes all government services and most private sector services.

It is anticipated that this framework will become regulation over the next 3 years under the Promotion of Equality and Prevention of Unfair Discrimination Act.⁹

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

⁹ Republic of South Africa (2000). Promotion of Equality and Prevention of Unfair Discrimination Act. Act No 52 of 2002. Chapter 6, Section 30

minimum standards already exists, and where not so directly; courts and tribunals may use this framework to interpret and apply existing legislation.

This framework will be transformed into regulation which should be binding and enforceable by the courts in case of finding reasonable determination for a guilty sentence with appropriate penalty.

Chapter 2: ENHANCEMENT OF AWARENESS-RAISING CAMPAIGNS (Disability Rights of and services for persons with disabilities)

Section 1

This chapter is mandated by three elements which obligate the state to adopt immediate, effective, and appropriate measures which advocates the improvement and development of awareness-raising campaigns (Article 8 (1) (a) (b) and (c) of the UNCRPD). Furthermore, it propagate advocacy campaigns on the rights of persons with disabilities.

Rights perspective

Rights and recourse for awareness raising are structured according to principles of awareness raising campaigns.

Problem statement

Persons with disabilities are often not able to live a better quality of life and perform to the best of their abilities. They often find themselves in unsafe environments and experience increased stress level due to the lack of accommodation measures.

Where the principles of awareness-raising campaigns 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 and an experience of discrimination, *Madzodzo v Minister of Basic Education* (decided case) Measures aimed at the provision of facilitators, the reduction or removal of barriers to participation that are insufficient or do not have the desired effect, are a waste of resources and cannot be provided as supporting evidence in a court case.

Right of access

Universal accessibility provides for full and equal participation of a person with a disability in all activities of society with an intention to 'level the playing field' through equitable participation. In addition to awareness-raising campaigns, 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.

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

Section 2

Barriers to access and participation (Pillar 1 of the White Paper on the Rights of persons with Disabilities)

People with disabilities face many obstacles in the built environment that prevent them from fully exercising their right and participating in 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 and political life through proper awareness-raising campaigns, in the **Eastern Cape High Court in *Kate v MEC for the Department of Welfare, Eastern Cape***.

Although mainstreaming disability issues is a prerequisite of an inclusive society, without awareness-raising campaigns, persons with disabilities 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 through alternative communication, and information in accessible formats as standard.

Any level of government shall take appropriate measures to ensure that persons with disabilities have access on an equal basis with others to physical environment, information and communications, assistive technology and to other facilities and services open or provided to the public both in urban and rural areas, ***Ngxuza v Permanent Secretary, Department of Welfare, Eastern Cape***.

These measures, which include the identification and elimination of obstacles and barriers to accessibility as legally mandated, shall apply to inter alia; buildings, roads, spatial development, transport systems and all indoor or outdoor facilities, including education establishments, housing(human settlements), medical facilities and work and places of business. Recognizing that this includes all forms of information, communication, electronic and other services, and emergency services. Awareness raising and sensitization of professional who works in this field must be enhanced.

Section 3

General Principles of awareness-raising campaigns

This principles are legally binding and they apply to information dissemination to the general public and advocacy for persons with disabilities which is the benefit of implementing this campaign widely and applying the following principles are an important of meeting the needs of as many people as possible:

- **Non discrimination**
- **Popularisation of disability rights**
- **Advocacy and mainstreaming**
- **Communication and access to information**
- **equitable use**
- **flexibility in use**
- **simple and intuitive use**

The design that is easier to understand regardless of the user experience knowledge, experience, or concertation level (in loco use)

- **legal recourse**
- **perceptible information**
- **in bona fides principle**

Method of communicating necessary information effectively to the public regardless of ambient condition or user sensory need.

- **Tolerance of error**
No unintended consequences will apply as reason for defence
- **Low physical effort**
- **Size and space for approach and use**
- **General approach for communicating information to the public**
Meaning it must be simple and basic

Section 4

Batho Pele principles¹⁰

The South African government established the following eight principles that form an integral part of service delivery for any service, whether in the public or private sector. These principles are aligned to 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.

Private sector service providers must develop their own codes of conduct for interacting with the public based on these eight principles. These principles limit the need to provide reasonable accommodation measures to a considerable extent, when followed. If service users feel that they are accommodated due to the nature of

¹⁰ DPSA Document

the receptive service they receive and sensitive accommodation of their needs in a universal design service, there is normally no need for any other provision.

1. 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.

2. 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.

3. Access

All citizens should have equal access to the services to which they are entitled.

4. Courtesy

Citizens should be treated with courtesy and consideration.

5. Information

Citizens should be given full accurate information about the public services they are entitled to receive.

6. Openness and transparency

Citizens should be told how national and provincial departments are run, how much they cost and who is in charge.

7. 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 and citizens should receive a sympathetic, positive response.

8. Value for money

Public services should be provided economically and efficiently in order to give citizens the best possible value for money.

Information and communication

This includes but is not limited to, the following:

- Information signs in Braille, tactile information plans and route maps, and in easy to read and understand accessible formats, are types of information provision that you should be included in the built environment.

- Live assistance and legal intermediaries including guides (awareness-raising should be extended to employers and other relevant public entities in general) readers and professional sign language interpreters to facilitate accessibility to buildings and other facilities open to the public, applications (apps) technologies and systems become accessible at a minimum cost; (protection of ICT's include licences and software);
- Other appropriate forms of assistance and support to persons with disabilities (including assistive devices) to ensure their access to information;
- New information communications technologies and systems including the internet which must be affordable

Operational standards and awareness-raising procedures must be communicate thoroughly and easily. This must be read in conjunction with regulations, policies, practices, and procedures in the communication field (known as standard operating procedures that support awareness-raising)

Legal enforcement enshrines the right of access. Mainstreaming universal accessibility should be seen as complementary to all legal instruments; in so doing, persons with disabilities are enabled to live independently and participate fully in all aspects of life.

Through the process of contracting directly or indirectly with the state, all services providers must ensure that the following regulatory mechanisms and other appropriate measures (contractual instruments)¹¹ address the right to disability inclusion and awareness-raising to services:

- Licenses (and service licences, software licences or other)
- Certificates of occupation
- Operational policies
- Grading schemes
- Registration (whether accredited or otherwise)
- Contracts (Advertisement)
- Insurance
- Professional services in the service field and environment
- Duty of care
- Professional competence
- Planning policy and development plans
- Bylaws

¹¹ Promotion of Equality and Prevention of Unfair Discrimination Act no 52 (2002). Act No 4 of 2000. Chapter 5 as amended

- Budgets and grant conditions
- Procurement
- Building works
- Maintenance and repair-related services
- Facilities management
- Gardening and cleaning services
- Health and safety
- Retrofitting schedules
-

Chapter 3

AWARENESS-RAISING FOR SPECIFIC ROLES AND RESPONSIBILITIES OF SERVICE PROVIDERS/SECTORAL GROUPS.

This chapter covers the sectoral groups and the public in general by initiating and maintaining, promoting recognition, and fostering at all levels of the education system on the issue of awareness-raising campaigns (Article 8 (2) (a) (i) (ii) (iii) and (b) of the UNCRPD)

Section 1: Responsibilities of service providers

Subject to this framework/relevant department associate with professional together with all service provider must;

- (1) Promote, give effect to and within their scope of responsibilities and enforce rights of persons with disabilities as contemplated in the framework;
- (2) Within their scope of responsibilities, render relevant service to persons with disabilities in integrated coordinated manner;
- (3) To provide clearly timely about relevant support services and legal assistance available to persons with disabilities; and
- (4) Where appropriate, refer persons with disabilities to relevant support services and services provider that provide legal assistance for purposes of a legal recourse.

Every service provider must endeavour to ensure that human and financial resources are available to achieve the realisation the objectives of this framework.

Section 2

Sector based responsibilities

Awareness raising a disability rights advocacy and mainstreaming is everybody's business.

➤ Department of social development

The department must coordinate and facilitate awareness raising campaigns to be conducted on disability in terms of this framework. Where it delivers services through partnership with services providers ensure that such services are

rendered in compliance with the prescribed norms and standards. Promote statutory support services to persons with disabilities throughout its campaigns. Provide any person with a disability with information regarding services available to them their area of residence and then provide psycho social services during its campaigns. The department in collaboration with Governments and Communication information system must provide the public with a 24 hour customer care line to lodge complain about any support service provider. The 24 hour hotline must offer the following service in the prescribed manner:

- (a) Toll free number for any member of the public on disability rights awareness; and
- (b) Analysis of complains/referrals or appropriate services.

Written acknowledgement of information dissemination provide contact details and referrals letters to relevant departments.

➤ **Department of Health**

The department responsible must provide professional accessible, medical; and psychological services to persons with disabilities admitted to its facilities. Health care professional must provide information in the prescribed manner in the relation to post exposure treatment tom prevent disease and its availability and about other services available to persons with disabilities.

➤ **SAPS**

SAPS must in a prescribed manner and in writing provide private and confidential user friendly area of its station, docket number, name and contact details of the officer assigned to the case, case number, copy of the statement, notification of arrest of any suspect, notice of bail granted to the suspect and information available to persons with disabilities including psycho social services. Where necessary the case must be referred to prosecution authority and provide a written notification indicating reasons including; why the conduct reported does not constitute a criminal offence, steps taken towards investigating the perpetrator, whether there is enough evidence to merit the referral of the prosecution.

➤ **Justice and Constitutional Development**

The department responsible must *(1) treat persons with disabilities with and witnesses with dignity and respect during criminal proceedings, (2) facilitate optimal participation in the criminal justice system, (3) coordinate awareness-raising plan on programmes for the development, management, implementation, monitoring, evaluation, and review, in packed from the rights perspective and provide support in the criminal justice system and prevent/minimise the risk of exposure of unknown contact with the accused, defence witnesses, or supporters of the accused persons.

➤ **Correctional Services**

Provide the name and area of the correctional facility where perpetrator are incarcerated, notify then person in writing of the schedule day of any parole

hearing for the perpetrator, afford adequate opportunity to written oral representation, provide information in relation to the consideration of parole for perpetrator. Notify the official date of any release of perpetrator and the address or place of residence where the person is released to.

➤ **National prosecuting authority**

The prosecution authority must afford must afford prosecution opportunity which is adequate as an opportunity and present adequate evidence and testimony at trial adjudicating relevant criminal trials. Inform the person (disabled person) about the court processes and attend any proceedings unless the court otherwise orders. Provide relevant preparation or service if the appearance is as deemed witness, consult during the relevant proceedings in writing and in the prescribed manner notify the person with disability including information on the following:

- i) A decision or not in accessible formats and the reasons thereof in case the latter applies;
- ii) Where the case proceeds, the number and charge must be available; and
- iii) Where a decision is not made, the reason for not doing so must be clear, bail conditions of the accused must be clear with the subsequent date of appearance in court, the date of handing down the judgement and sentence hearing must be clear,

➤ **Department of Education**

The department should protect learners within the learning environment (locus parentis):

- 1) Provide support to learners with disabilities and student should they be abused or victimised within or outside the premise of the learning institution;
- 2) Shall develop supporting policies, practices, guidelines, and legislation which include abolition any programme practice that may lead to discrimination and victimization of student with disabilities within the learning environment and institution;
- 3) Preventing any victimization abuse or discrimination that occurs on the learning centre; and
- 4) Facilitating immediate access to relevant stakeholders and acting against perpetrators as well as protecting learners and students against intimidation.

Pillay v MEC for Education: KwaZulu-Natal 2006 6 SA 363 (EqC), MEC for Education: KwaZulu-Natal v Pillay 2008 1 SA 474 (CC).

Section 3

Conclusion

Government shall adopt immediate, reasonable, effective and appropriate measures;

- 1) To raise awareness through society including general public, community, and family level regarding the rights of persons with disabilities and foster respect for their rights and human dignity of persons with disability;
- 2) Combat stereotypes, scapegoats, discrimination, prejudices, harmful practices, customs and cultural attitudes relating to person with disability including aspect based on gender, gender, age, sexual orientation, and type of disability in all areas of life; and
- 3) Shall promote awareness and capabilities with capacity/contributions of persons with disability in societies.

Measure to this end include maintaining initiatives that are effective for public awareness designed campaigns to measure receptiveness and positive attitude to the rights of persons with disability. Government shall promote positive perceptions and greater social awareness to persons with disability. Shall promote recognition of the skills, merits, and abilities of persons with disabilities and of their contributions to the workplace and labour market.

This measures must foster that all levels of education system including of all children in early age (Early childhood development programme), an attitude of respect for the rights of persons with disability. *Prinsloo v Van der Linde and Another (CCT4/96) [1997] ZACC 5; 1997 (6) BCLR 759; 1997 (3) SA 1012 (18 April 1997)*

Chapter 4:

RELATIONSHIP BETWEEN MEDIA AND AWARENESS-RAISING CAMPAIGNS ON THE RIGHTS OF PERSONS WITH DISABILITIES, COMMUNICATION STRATEGY, AND MEDIA CAMPAIGNS (INSTITUTIONAL ARRANGEMENTS)

Section 1

Introduction

This chapter deals mainly with the influence of media towards society, which will result from how media view and relate to the awareness-raising campaigns on the rights of persons with disabilities (Article 8 (2) (c) of the UNCRPD). This is achieved through encouragement of all house and organs of media to portray persons with disabilities in manner consistent with the purpose of this framework.

Implementation of media campaigns on disability rights awareness

The empowerment is hereby established by this framework for the media to be sensitised and act positively for purposes of portrayal for persons with disability for awareness raising. The model must coordinate media services in accordance with the functions of the state and the role of disability sector. The empowerment model consist of the following aspect:

- Sensitization of media liaison officers, communicators, media house owners, and social media users, and owners to distribute key positive messages and consult with existing media legislative strategies e.g. Independent Communication of South Africa, and Government Communication, and information system.

The model shall consist disability rights sector, roles and responsibilities, media houses, corporate sector, traditional affairs sector, and government departments, and chapter 9 institutions, and the criminal justice cluster.

This framework recommends that national treasury should establish norms and standards of coordinating budgetary responsibilities of the departments to fund the campaign.

Section 2

Communication Plans

The communication plan must within 90 days before the 3rd of November be completed and come into operation within the disability rights awareness month and written report must be completed with 90 days of the implementation of the month. The campaign must meet the standards of annual phase to be conducted in manner prescribed by this framework; where a person with a disability is portrayed negatively a written apology must be signed and issued by the affected relevant media house or electronic print out.

Responsibility function and duties of the media within the awareness raising campaign

The media house must provide report from the relevant stakeholders; analyse them to ensure proper coordination and comply with national policy guidelines and ethics of the media. Provide strategic directions to relevant government departments to ensure proper implementation of the campaign in accordance with nation policy guidelines and ethics. Provide progressive report, service delivery and customer satisfaction on regular basis. Verify reports emanating from journalist as required by this framework. Promote mainstreaming and streamlining and integration of disability rights programmes and data basis to make access of information, concerning disability rights more accessible within the value chain of the campaign. Establishing national norms and minimum standards of participation and reporting on the awareness campaign in the light of policy guidelines and media ethics. Initiate and commission research on disability rights awareness and advocacy programmes and support service available.

Appoint committed journalist who will report on and enquire into any matter relating to awareness campaigns and receive report in this regard; and call upon experts in a particular field of disability for advice and clarity seeking points of the campaign. Any government department that intends to develop policy, protocol, norms and standards on the campaign as contemplate on this framework may do so only on consultation with the disability rights sector in concurrence with other media houses. A media

monitoring strategy must be developed by inter-governmental/departmental team as it deems necessary. Every aspect of the awareness raising campaign must cover aspect of relevant events, opinions, and campaigns in general as prescribed by this framework.

External aspect in the appropriate field of disability must provide opinion pieces to be published within the campaigns. All procedural matters of the campaign shall be similar throughout all media houses. The implementation of the campaign shall be determined within the duration of 365 days and from time to time be amended or change accordingly in relation to activities and therewith after consultation with the disability sector responsible for specific campaigns. The campaign should be implemented annually with a report submitted to parliament on the activities of the campaign and programmes or other matters emanating from the campaign where necessary inform parliament of any matter relating to international developments on relevant disability rights unit and awareness raising programmes. The awareness campaign should include media house at national and provincial, e.g. community radio station.

Notices of gazette may be published by any media house where necessary to promote the campaign. The national campaign must have an empowerment project plan which will promote disability rights service providers and open the opportunities to enter the market at media space as contemplated by this framework. Nomination of such service providers must take place through the media and in the government gazette. The role of the public broadcaster shall be to use producers who have disabilities through an empowerment project model and must be constituted in a manner that will consider persons with disabilities as participants and production manager for television and radio's as prescribed by this framework. The invitation of such producers who have disabilities should be done by media and notice in the government gazette.

The national community radio forum must include persons with disabilities who are knowledgeable and can operate in the media space; such persons must be invited through media and by notice government gazette. The campaign must have at least 50% of participants as persons with disabilities and must target at least 80% of the general public and opinion makers at all levels as the case may be.

The promotion of correct terminology, the use of correct language and proper definitions and expressions must be key to the campaign as a principle activity within the social, economic, cultural, civil, and political rights. As contemplated in this framework the service providers who conduct the campaign must have relevant knowledge, expertise or experience to contribute to the effective performance of the role and responsibilities of an efficient and effective campaign. The results of the campaign must be analysed by accounting and monitoring the intervention required to implement support service, rights and recourse. The monitoring and evaluation criteria must be developed for campaign, this includes the implementation of the campaign;

promoting the coordination of the campaign within a user friendly environment of policies and services.

The media must report on the development of the implementation of the campaign from a public education perspective. The media must initiate and commission research on relevant disability issues and where necessary escalate the findings to parliament and government. The media must note customer satisfied service and report in relation to the experience of government; and monitor and evaluate the utilisation of customer care hot lines. Government department must develop integrated national awareness rights plans to ensure coordination within cluster department in the delivery of service supported by the communicate forum. Interdepartmental and inter-sectoral contact must be maintained to identify and address breakdown in the coordination of the campaign and to share communication and expressions.

The campaign must initiate integrated crime prevention strategy coordinated by relevant structures to facilitate crime prevention on violence and abuse against persons with disabilities. The campaign must monitor and support local initiatives and address the delivery of integrated service for persons with disabilities. The campaign should further address the following as referred above; victim offender mediation, compensation, restitution where possible, and litigation in the equality court in cases of discrimination. Initiate and commission research on specific campaigns findings and disability rights issues raised in the dialogue and escalate it as findings to the relevant authority on an annual basis.

Conclusion

The department of social development in partnership with GCIS and Disability rights sector shall develop a comprehensive media strategy; the relevant stakeholders shall develop a communication strategy which is comprehensive and assertive in the prescribed manner in line with government prescripts and requirements. All stakeholders shall develop a communication plan which must include the following:

- Fair use of electronics, print and social media platforms;
- Key messages and themes that will be displayed throughout the year, ongoing media interviews on all media platforms;
- All stakeholders shall develop 360 days campaigns which must be a requirement for all the departments to implement without any reservation;
- All departments shall allocate resources for communication strategy with a commitment for specific timeline as dedicated funding;
- All stakeholders shall develop a comprehensive campaign consisting of road show throughout the country, including dialogue on disability rights with communities, systematics sensitization on raising awareness on disability rights;

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 688

28

October
Oktober

2022

No. 47373

PART 2 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003



4 7 3 7 3



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

- All stakeholders shall develop a proactive disability rights education from a social model perspective , i.e. human rights development perspective with regards to disability rights; and
- The strategy should not be incommensurate with this framework as prescribed.

Subject to this framework; all person who have been charged with or convicted in the republic or any other country in terms of this framework or any other law offence involving abuse of children and woman with disabilities or any other person with disability must be highlighted in the awareness campaign. No direct financial interest in any matter considering the campaign or conflict of interest shall be accommodated.

Chapter 5: SENSITIZATION (Trainings)

Section 1

Introduction

This chapter covers the aspect of promoting programmes which deals with disability rights (Article 8 (2) (d) of the UNCRPD).

Accreditation

The state must take reasonable and necessary measures to promote awareness training programmes regarding the rights of persons with disability and different impairments accreditation of service providers and training curriculum or sensitization materials must be concluded within the prescript of the law and accreditation criteria of the national framework for service providers. A national register of accredited service providers including vetting of the staff members or personnel of service providers must be kept. This process would mean that all service providers shall be required to develop training programmes that are user friendly easy-read versions that can be reviewed and improved after every three years of implementation.

Accredited services providers must be vetted legally and disseminated and consulted with the disability sector for confirmation purpose. The critical importance of the programme should be centred on **sensitization, disability rights awareness raising, communication aspects, media relation, public relation exercise, and removing barriers to participation**. The empowerment projects must be conducted by persons with disabilities themselves to promote awareness on disability rights with intention to render services in a prescribed manner in terms of this framework. Participants in the training sensitization and workshops shall be able to benefit substantially under the circumstances which the service providers is able to a greater extent possible to provide quality sensitization materials and may therefore qualify for financial assistance from government resources within available resources.

The accreditation of a service period shall be valid for a period of five years from the first day of the month in which the certificate is issued. An accredited service provider

may on prominent place and in the prescribe manner its certificate of accreditation or receipt of renewal of certificate of accreditation certify copy thereof on its premises registration number and an indication that it is registered provisionally on all its official document; the holder of the accredited certificate must follow the procedure as prescribed in the initial accreditation, and if the holder wishes to continue trainings programmes an application for renewal of accreditation must commence at least 6 months prior to expiration accredited certificate.

Only accredited service providers may apply for a funding from any department government in a prescribed manner, this applies to provinces as well as local government service providers and all national service providers.

Section 2

Sensitization

The awareness raising campaign must contain in the prescribed manner a systematic sensitisation programme which analyses meanings and use of proper terminology which is acceptable to persons with disabilities; the terminology must be correct and be legally acceptable within the rights perspective.

Disability rights awareness Raising

The programme on disability awareness raising must specific, customize, relevant to national and international, and must be within the national and internal law context. The impact assessment of the programme should be conducted annually.

Communication aspects

Communication aspects relate to publicity, language barrier, and relevant information should be taken into consideration with a specific focus on sensitive areas of disability rights legal recourse.

Media relation

Media relation training programmes must be of such nature that every member of society will be to read into them in a user-friendly manner with a promotion a clear standing with disability rights are portrayed in particular manner.

Public relation exercise

A proper public relation exercise must be in place consisting of the following:

- Literature on disability awareness
- Roadshows
- Dialogues
- Sufficient consensus on awareness raising matters
- Evidence base reporting and intervention; and
- Referral systems

Removing barriers to participation

This serves to allow and enable persons with disabilities to access service from a rights based perspective by removing all types of barriers e.g. psychological, economic, social, physical; for purpose of participation in raising awareness on disability rights and placing a sharper focus on prompt response to their demands and specific needs for individuals. ***President of the Republic of South Africa v Hugo 1997 (4) SALR 1 (CC) 41 para 112 (per Justice O'Regan).***

CHAPTER 6: MONITORING AND EVALUATION**Consultation**

conceptualisation and design of disability rights awareness plan, implementation, and monitoring and evaluation must be done with a sector in the prescribed manner in this framework and 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 awareness raising plan policies and programmes, projects including those directly concern them.

Monitoring and evaluation must take place in different phases and parameters defined within case law as stated in the previous chapters. These phases are:

Phase 1: Policy and direction setting**Phase 2: Planning and design****Phase 3: Implementation and performance management****Phase 4: Review, Reporting, and evaluation**

The disability rights awareness plans must relate to social inclusion as guiding legal principle and headlines indicators must be developed that support social inclusion against which to measure progress:

Phase 1: Policy and direction setting

This phase involves research, analysing and consulting. Both at a strategic level and an operational level.

Inter alia:

- 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, and get feedback from affected stakeholders;
- Establish whether or not laws or policies themselves have been amended so that they are disability inclusive. Sector based legislation sometimes may contradicts the Constitution and laws promulgated after 1996, awareness need to promoted in this areas It is as well to be aware of these areas from the outset;

- Identify data sources for factual information on discrimination matters on rights and access to services, lodging of complaints, and resolution as part of the reporting cycle on the WPRPD;
- Identify local DPOs 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 which is customer focused and which relates to the use of the system, service providers and communicators. Analysis must take place against which performs, standards, and programmes for the disability rights plan can be developed;
- Identifying recurring programmes necessary to deliver the entire plan;
- Make information available in accessible formats and planner and project managers must be able to identify further action; and
- Capacitation of communicators and media where they have insufficient knowledge must take place.

Operational level

Inter alia the disability right awareness plan managers must include the following responsibilities in their work:

- Planning and design of the programme, marketing, customer feedback, etc. as a minimum;
- 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 plan must forms the baseline information and popularisation of sources against which to measure progress in service delivery;
- Establish the minimum standards required in outreach, outreach value chain and gather additional information where minimum standards are unavailable. As well as compulsory standards where available, ensure that voluntary standards have been referenced, if indirect legislation applies;
- The requirement for disability right awareness plan is compulsory, where there is lack of information available and lack of service delivery in an area where it is very easy to comply with; and

Compliance with national standards on awareness raising is therefore necessary to avoid litigation based on discrimination. In this case the onus or burden of proof is on the person accused of discrimination to prove innocence unless otherwise stated, the accused may find themselves vicariously liable; using a defined set of principle and measures shall assess progress in reviewing publishing and informing disability groups and other targeted state holders on any disability rights awareness plans and activities with specific reference to WPRPD and UNCRPD.

Phase 2: Planning and design

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

Awareness raising programmes on disability rights and service should be approached from the point of compliance with standards, establishing collaboration with relevant government department(s), disability rights groups' representatives, media, communicators, language experts' assistive technology experts. Collaboration is important in situations where compulsory compliance standards do not exist or a rational approach is required to service provision especially on disability awareness raising trainings.

Any service provider taking decisions this approach should be mindful of this approach with 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, or 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 disability rights awareness plans including available timeframe, and funding priorities. The awareness plan should be incorporated into the conceptualisation of projects so that costs are identified and determined as part of the total affordability within reasonable means---not as an add on

Phase 3: Implementation and performance management

This phase involves managing investments to achieve agreed outcomes for awareness raising and access to information planning. The disability rights awareness plan must be appropriate within the South African context, which recognises the Constitutional equality clause for persons with disabilities and through subsequent legislation, recognises specific needs in mainstreaming and changes to standard operating procedures to ensure compliance with use of correct terminology and language that promote disability rights awareness and access to information to the general public.

Phase 4: Review and evaluation

This phase involves reviewing and evaluating the efficiency and effectiveness of the disability rights awareness programme plans, campaigns, and access to information and determining the outcomes for future work for a period not exceeding five years. The promote of Access to Information Act 2 of 2002 is applicable and must be used to

properly monitor disability rights related information by persons with disability and the general public

The development of stakeholders and their advancement must be documented as disability inclusive lessons are learnt. These lessons must be widely circulated and incorporated into the disability right awareness plan for service delivery at both operational and strategic levels. Equality court cases on discrimination against persons with disability and findings outcomes must be published and information on advice and decisions from the SAHRC should also be widely circulated to demonstrate how these should guide disability rights awareness planning.

Chapter 7: GENERAL PROVISIONS

Government shall promulgate regulations regarding the manner in which persons with disabilities may be included in promoting awareness raising as service providers. Information to be obtained from government departments regarding disability rights legislation. The manner in which information may be provided to the South African public with regard to disability rights awareness.

Procedures and conduct of the public towards persons with disabilities; promotion of media relation and training. Registration and accreditation of service providers that provides training on awareness raising (empowerment project). Procedure to be followed in connection with the lodging and consideration and registration of professionals. The structure in which the annual report on awareness raising campaigns must be published.

Section 2

Regulations

Government shall promulgate regulations regarding the manner in which persons with disabilities may be included in promoting awareness raising as service providers. Information to be obtained from government departments regarding disability rights legislation. The manner in which information may be provided to the South African public with regard to disability rights awareness.

Procedures and conduct of the public towards persons with disabilities:

Promotion of media relation and training;

Registration and accreditation of service providers that provides training on awareness raising (empowerment project);

Procedure to be followed in connection with the lodging and consideration and

Registration of professionals;

The structure in which the annual report on awareness raising campaigns must be published;

The structure in which the annual report must conform to;

The manner in which the registration or accreditation of a service provider may be cancelled or suspended;

The de-registration of a service provide;

Norms and standard in respect of delivery of any awareness programme norms;

Standard in respect of registration and accreditation;

Renewal and registration or accreditation;

Suspension and cancellation of a service provider/facility in relation to media, e.g. radio, television, and electronic print media;

The establishment of the composition of the accrediting task team within the council on higher education training and South African Qualification Authority;

Adjudication on qualification by persons with disabilities or service provider regarding any decision taken or awareness raising act performed in terms of this framework; The minimum requirement that the different types of programmes have to comply with;

The procedure to be followed with regard to the publication and information management in relation to protection programmes for persons with disabilities with regard to crime, violence and abuse;

Provision of resources for road shows and dialogues where it deems necessary or expedient to be prescribed in order to achieve the objectives of this framework; and

Any regulation made which may result in expenditure for the state must be made in consultation with the minister of finance;

Any regulation which may impact on the mandate of the another organ of the state must be made in consultation with the accounting officer responsible for that organ of state;

Any regulation may provide that any person who contravene the provision thereof or fails to comply therewith shall be guilty of an offence and on conviction be liable to fine or imprisonment.

Section 3

Delegation of authority

The delegation of authority or any powers conferred to the minister except the power to make regulations may be delegated to the accounting officer; authorise the director-general to perform any duty or conduct the awareness raising from his/her officer as prescribed by this framework; the accounting officer may delegate to any employee of his/her department to be responsible for awareness raising projects; authorise that employee to perform any duty that he or she is authorised to perform as prescribed above.

Jurisdiction of the framework both the Equality Courts and Constitutional Court

The equality courts and the Constitutional court in a manner prescribed will have jurisdiction with regard to this framework; jurisdiction to hear and give verdict on matter brought by persons with disabilities on offence violating their Constitutional rights.

MEC for Education: KwaZulu-Natal and Others v Pillay [2007] ZACC 21

Section 9-35 of the South African Constitution, 1996.

Persons with disability should be aware of the constitutional rights, legal recourse, responsibilities of duty bearers towards providing services and protection their rights as prescribed by the Constitution.

Human Rights Education and know your Constitution Campaign with specific locus standi

The awareness rights must include a broad human rights education campaign and **KNOW YOUR CONSTITUTION** campaign which shall entail: distribution of materials i.e. the slim line bill of rights made available in accessible formats; ensuring that the list of constitutional rights are made available in accessible formats upon request.

The locus standi of this framework shall be determined by the constitutional requirements and obligations; the strength and legal mandate of this framework; jurisdiction of the courts; reasonable determination of the framework; case law and precedents set by higher courts and the Constitutional court.

Inclusion of disability awareness within all national commemorative days

The national disability rights awareness campaign must have a framework for action which must include the following:

- 1) Inclusion of disability in all national/celebration commemorative days
- 2) Disability rights awareness should provide a country with an opportunity to; inspire hope and confidence in the ability of persons with disability; the state machinery to work together with persons with disability in addressing the common challenges faced by persons with disabilities and society in general; mobilise persons with disabilities around the games made in protecting, promoting and upholding the rights of persons with disabilities since the adoption of the freedom charter with democratic values and after the ratification of the United Nations Convention on the rights of persons with disabilities and its optional protocol control.
- 3) Reach out to the diversity within the disability sector and acknowledging that all human socio-economic rights (section 9-35 of the constitution) should be equally enjoyed with all persons with disability irrespective of race, gender, age, sexual orientation, socio-economic status, educational background, religion, culture, employment status or nationality; advocate for accelerated implementation of the White Paper on the rights of persons with disability and reasonable and necessary measures that will hold duty bearers accountable and strengthen the recourse for rights holders whose rights have been violated;
- 4) To eradicate all harmful cultural practices, customs, beliefs, harmful religious practices that degrade the dignity of persons with disability and that may lead

to loss of life or discriminate by cruelty and punishment against persons with disabilities; and

- 5) Combat stereotypes and prejudices relating to persons with disabilities in all areas of lives, and promote awareness of the capabilities and contribution of persons with disabilities in societies.

All these measures listed above shall apply within the legal mandate to all national/celebration commemoratives days and shall be standing requirement before any national event is approved by cabinet.

➤ **365 days Campaign and Disability awareness month**

South Africa has to conduct a 365 days awareness campaign which will include; popularisation of policies and services that affects persons with disability; disabilities rights awareness campaign that targets vulnerable groups i.e. woman and children with disabilities.

In order to comply with the UNCRP (article 8) of the convention must be seen as a point of departure for all programmes. December 3, should still be commemorated annually as the international (national) day for persons with disabilities to promote awareness and mobilise support for critical issues relating to the inclusion of persons with disabilities in societies and development. The disability rights awareness month i.e. 3 November to 3 December was approved by cabinet and the month works to promote action to raise awareness about disability issues and draw attention to the benefit of an inclusive society which is accessible for all. The month should be celebrated within the context of specific themes that runs throughout the year. Therefore, herewith the framework proposes that the number of events during the month should be limited to maximise the use of available resources into a meaningful awareness-raising campaign through the media, information dissemination, seminars, limited outreach programmes, conversation and dialogues as well as a limited number of road shows.

In 2013, the cabinet approved the annual celebration of national disability awareness right month, 3 November to 3 December, and 3 December is national day of persons with disabilities on the national calendar. The objectives of the 365 days awareness campaign, disability rights awareness month, and national day with disabilities shall be to:

- 1) Illustrate that gender, age, race, severity and types of disability, impairment, socio-economic status, geographical location matters in ensuring that no one is left behind (Sustainable goals 2015);
- 2) To mobilise society in general and opinion builders as well as decision makers in ensuring that persons with disability have equitable access and participation in all services rendered in both public and private sector;
- 3) To raise awareness of the value of persons with disabilities and their families to participate in building sustainable and cohesive communities;

- 4) To support the empowerment of persons with disabilities by making available information in accessible formats on their rights, entitlements, and how to access these rights and what their recourse mechanism are when their rights have been violated;
- 5) To demonstrate governments commitment to the promotion, protection, and upholding of the rights of persons with disabilities;
- 6) Promotion of key messages. The key messages must be published throughout the year, and will be utilised for purpose of information dissemination across government and society, and will also form the epicentre of weakly media campaigns;
- 7) Disability rights awareness plans must be published annually on the first of April and must include the following events/milestones/processes/dialogues/roadshows/media campaigns/allocation of resources/appointment of service providers/training programmes/communications plans and final contracts where applicable; the plans must also build on the sustainable development goals (2030 millennium developments goals) to include persons with disabilities in development initiatives and funding streams around the country. The Sustainable development goals calls for inclusive implementation of the 17 goals affecting persons with disabilities hence the principle of "Leave no one behind"; for its relevance this framework shall remain of the people, by the people, and for the people in relation to the world global action of the next 15 years which echoes the disability rights principle "Nothing about us, without us".

Paragraph of the SDG's says the following "People who are vulnerable must be empowered. Those whose needs are reflected on the 2030 agenda include all children, youth, and persons with disability (of whom more than 80% lives in poverty)". This places persons with disabilities at the epicentre of this framework for the purposes of poverty eradication throughout the entire national development plan agenda. Persons with disabilities are affected directly by the implementation of this framework to raise awareness and promote their rights. The following aspect must be taken into consideration declaration and promulgation thereof enhancing awareness raising through the following:

- Human rights
- Vulnerable groups
- Human rights education
- Education health employment
- Standard of living
- Independent living
- Reduction of inequality and poverty

- Inclusive cities, towns, and rural areas
- Resources allocation
- Means of implementation
- Accurate Data and statistics with disaggregation as a follow-up measures

Funding awareness-raising campaigns

The funding criteria of the awareness raising campaign should be in line with PFMA 1 of 1999, section 38 (1) (j) committing accounting officers and executing authorities to take reasonable measures and accountability on state expenditure. Treasury regulations must be followed within the spirit and the letter of PFMA. The funding criteria must be strict reliable and must conform to the budgetary prescripts of government. Funding criteria must also be in line with the disability rights awareness plans campaigns and promotional materials which are cost saving within the available resources of the state. The expenditure for the disability rights awareness must be approved by the minister of finance.

Implementation strategy

The disability rights awareness plan must take place annually. It must reflect on achievement and challenges in implementing the conventions on the rights of persons with disabilities. The campaign must reflect the activities for the next 10 years. The plan must undergo a review on a 5 year basis through the national disability rights machinery and wide consultation with national disability sector. The plan must reflect all national commemorative days to provide the country with any opportunity on the role played by persons with disability in line with liberal struggle and to reflect on which reasonable measures to put into place to ensure that persons with disabilities benefit equally from affirmative action measures for persons with disability sector, equitable through empowerment measures at all levels.

24 The disability rights awareness plan must be implemented in line WPRPD. It must commit duty bearers to realise in the rights of persons with disabilities by; accelerating implementation of existing legislation that advocates equality for persons with disabilities; by taking calculate action to ensure that their rights as equal persons are upheld by removing discriminatory barriers to access and participation; by ensuring that universal design informs access and participation in the planning, budgeting, and service delivery for value chain for all programmes that is recognising the right of self-representation. Acknowledging that all persons with disabilities are not the same or alike and that personal circumstances, gender, age, religious and cultural background, sexual orientation, geographical location requires different responses; and embedding the obligations contained in the UNCRPD legislation, policy and service delivery. Disability rights awareness plans must implemented according to the 9 strategic pillars of the White Paper on Rights

of persons with disabilities. ***City of Johannesburg v Rand Properties (Pty) Limited and Others*** 2007 (1) SA 78 (W) para 64; ***Affordable Medicines Trust and Others v Minister of Health and Another*** 2006 (3) SA 247 (CC) para 59.

Conclusion

This national strategic framework serves as prescriptive guide to and for awareness raising campaigns factored into legislation and policy and implementation phases within different fields of disability inclusive departments. It places disability awareness raising, campaigns and plans within its proper context and provides guidelines that are basic and simple for alignment with WPRD. It is a useful tool for all practitioners and provides clear mandate, roles and responsibilities for all concerned. Awareness raising on disability rights cannot be compromised but becomes a necessity as awareness raising is not an ordinary activity but rights based approached within the social model aspect.

The inextricably link between awareness raising and disability rights and legal recourse and disability begins with the philosophy and design directives of planners and executors of services; whether private or government departments. Their philosophy governs their thoughts and actions which either result in additional unplanned costs for altering buildings and costs associated with implementing disability awareness programmes, or if those involved fully understand and assimilate knowledge on awareness raising and accessible information for everyone and a better quality of life for all as a result.

The concept of unjustifiable hardship is applicable, but users of this concept need to be careful that they are not using it as an excuse to ingrain the discrimination of persons with disabilities. Such an approach will not be supported in the outcome of legal equity and equality courts cases and it has not been supported in any case law to date. Most of the cost provide access to information for services and the awareness raising outcome are limited in the conceptualisation, planning, proper execution of project management, and full legal requirement for service delivery and awareness raising based on the principle of horizontal and vertical rights. This is part of general duty of care to delivery of services and users and not a form segregated provision of service.

Research and trend analysis in monitoring the effect and improvements of quality of life of people who most vulnerable in society is necessary. Any research of value in this area shall be undertaken by persons with disabilities and research organisation are well placed to undertake this work.

APPENDIX A: Case Law

***Madzodzo v Minister of Basic Education* 2144/2012) [2014] ZAECMHC 5; [2014] 2 All SA 339 (ECM); 2014 (3) SA 441 (ECM) (20 February 2014)**

***Kate v MEC for the Department of Welfare, Eastern Cape* (580/04) [2006] ZASCA 49; 2006 (4) SA 478 (SCA); [2006] 2 All SA 455 (SCA) (30 March 2006)**

***Ngxuza v Permanent Secretary, Department of Welfare, Eastern Cape* (493/2000) [2001] ZASCA 85 (31 August 2001)**

***Pillay v MEC for Education: KwaZulu-Natal* 2006 6 SA 363 (EqC)**

***MEC for Education: KwaZulu-Natal v Pillay* 2008 1 SA 474 (CC)**

***President of the Republic of South Africa v Hugo* 1997 (4) SALR 1 (CC) 41 para 112 (per Justice O'Regan)**

***Prinsloo v Van der Linde and Another* (CCT4/96) [1997] ZACC 5; 1997 (6) BCLR 759; 1997 (3) SA 1012 (18 April 1997)**

***City of Johannesburg v Rand Properties (Pty) Limited and Others* 2007 (1) SA 78 (W) para 64**

***Affordable Medicines Trust and Others v Minister of Health and Another* 2006 (3) SA 247 (CC) para 59.**

APPENDIX B: Article 8 UNCRPD (Awareness-raising)

1. States Parties undertake to adopt immediate, effective and appropriate measures:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- (c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

- (a) Initiating and maintaining effective public awareness campaigns designed:
 - (i) To nurture receptiveness to the rights of persons with disabilities;
 - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
 - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

APPENDIX C: Section 9 South African Constitution, 1996 (as amended)

Equality 9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed Chapter 2: Bill of Rights 6 to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken. (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination. (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.