



# SUNFIELD HOMES

FOR THE MENTALLY HANDICAPPED  
VIR DIE VERSTANDELIK GESTREMDES

4 November 1993

THE SECRETARIAT  
Technical Committee on Fundamental Rights  
World Trade Centre  
KEMPTON PARK

For the personal attention of: **MELODY EMMETT**

Dear Ms Emmett

In 1971 the United Nations General Assembly adopted a document entitled "General and Special Rights Of The Mentally Handicapped" and the majority of member countries incorporated this Bill of Human Rights for the Mentally Handicapped into their constitution. Our country, South Africa, was amongst the countries that did not recognise Human Rights for Mentally Handicapped persons.

This matter has been of grave concern to all organisations assisting, caring for or in any way connected with mentally handicapped people.

Our organisation is one of the largest in South Africa in this particular field and we are taking this opportunity to place on record the urgency of the adoption of human rights for these very special people. Together with this fax is a copy of the UN Declaration as well as a copy of Circular 52/92 which states clearly the stance of our National Council (now known as SA Federation for Mental Health).

I am writing to you in my official capacity on behalf of all our Homes throughout the country and more specifically to endorse the recommendations put forward to yourself (The Secretariat) by Mr M J van Rooyen; Manager; Logwood Ranch viz; that Mr John Reece be appointed to the Technical Committee on Fundamental Rights.

Yours sincerely

**B SCAFO (MRS)**  
**EXECUTIVE DIRECTOR**

**HEAD OFFICE:** P.O. Box 890862, LYNDHURST, 2106.  
34 Block F2, Toron Studios, 2 Johannesburg Rd, HIGHLANDS NORTH  
Tel: (011) 887-5111/2/3 Fax: (011) 440-6200 Code 2192  
**LOGWOOD RANCH:** P.O. Box 110, MULDRSDRIFT, 1747.  
Tel: (011) 659-0480 / 659-0586 Fax: (011) 659-0701  
**FORTUNA:** P.O. Box 207, BALFOUR, 2410.  
Tel: (01506) 30994 / 31282 Fax: (01506) 31287

**HOWICK:** P.O. Box 82, HOWICK, 3290.  
Tel: (0332) 302 094 Fax: (0332) 303 084  
**SUNFIELD HOME SCHOOL:** P.O. Box 1975. VERULAM, 4340.  
Tel: Office (0322) 333 632 Hostel (0322) 331 207 Fax: (0322) 337 643  
**CORISTEL:** P.O. Box 824, WELLINGTON, 7655.  
Tel: (02211) 35038 Fax: (02211) 643124

**THE DECLARATION OF GENERAL AND SPECIAL RIGHTS OF THE MENTALLY HANDICAPPED  
ADOPTED BY THE U.N. GENERAL ASSEMBLY 1971**

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1. The mentally retarded person has the same basic rights as other citizens of the same country and the same age.
2. The mentally retarded person has a right to proper medical care and physical restoration and to such education, training, habilitation and guidance as will enable him to develop his ability and potential to the fullest possible extent, no matter how severe his degree of disability. No mentally handicapped person should be deprived of such services by reason of the costs involved.
3. The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to productive work or to other meaningful occupation.
4. The mentally retarded person has a right to live with his own family or with foster parents, to participate in all aspects of community life and to be provided with appropriate leisure time activities. If care in an institution becomes necessary, it should be in surroundings and other circumstances as close to normal living as possible.
5. The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interest. No person rendering direct services to the mentally retarded should serve as his guardian.
6. The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If accused, he has a right to a fair trial with full recognition being given to his degree of responsibility.
7. Some mentally retarded persons may be unable, due to the severity of their handicap, to exercise for themselves all the rights in a meaningful way. For others, modification of some or all of these rights must contain proper legal safeguards against every possible form of abuse, must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic reviews and to the right of appeal to higher authorities.

national council for  
mental health  
nasionale raad vir  
geestesgesondheid



01 100200 000 4



(011) 725-5800/50 Int. 2711 725-5800 Fax (011) 725-5853



Adjustment  
P.O. Box/Posbus 2587  
Johannesburg  
2000

Ons verwysing 8.6

Our reference

U verwysing

Your reference

25 September 1992

CIRCULAR 52/92

TO ALL MENTAL HEALTH SOCIETIES AND ORGANISATIONS  
AFFILIATED TO THE DIVISION FOR MENTAL HANDICAP

RIGHTS OF MENTALLY HANDICAPPED PERSONS

With further reference to circular 51/92 concerning a Charter of Rights I wish to inform you that it has been decided to hold nationwide demonstrations in protest against injustices against persons with mental handicap on Monday 26, October, 1992. These demonstrations will co-incide with this Federation's deputation to Minister Rina Venter.

If your organisation is not aware of any injustices we would hazard the guess that its knowledge of the field is somewhat limited and that it should, perhaps, stay out of the demonstrations, lest it causes embarrassment to the rest of us. However, the following is a list of popular gripes and we would suggest that you get your activity centres and workshop going in the manufacture of placards as soon as possible.

1. Absence of free primary education for persons with profound mental handicap. (means test of R1600 per family)
2. Inadequate single care grants and chaotic administration thereof.
3. Mental Handicap is discriminated against in the case of medical income tax deductions.
4. Inadequate sheltered employment facilities.
5. Means test on disability pensions an obstacle to gainful employment.
6. Parity in all subsidies.
7. Need for subsidies that are relevant to needs of persons with mental handicap.
8. General disregard of basic human rights of persons with mental handicap.

Gripes are not the same all over the country, so please add you own.

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We would request organisations to co-ordinate their efforts in the different areas and expect regional forums to undertake this task wherever they exist.

Where there are no regional forums we request mental health societies to take the lead.

We suggest that marches commence at 09:00, that they be over a distance of about 1km and aimed at one of the following:

1. Offices of the Department of Health Services and Welfare.
2. Regional offices of the Department of National Health and Population Development.

After displaying placards outside the destination for five minutes the marches should disperse.

Please remember to obtain permission from the local magistrate and traffic department at least one week before the march. Also inform the local news media of your intentions and advise this Federation of your intentions, by fax if possible, so that we can obtain national media coverage.

Yours sincerely



LAGE VITUS  
NATIONAL EXECUTIVE DIRECTOR

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