

DISABILITY RIGHTS UNIT

MCH 91-19-3-8

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Our ref:

Your ref:

Date: 11 August 1992

Att. Comrade Albie Sachs

Fax (021) 222-626

Dear Comrade Albie

OPENING ADDRESS - DPSA 9TH CONGRESS - 10-12 Sep. '92

Disabled People South Africa kindly invites you to give an official opening address at its 9th Congress (10-12 Sep. '92), on Thursday, 10 September 1992, at the Amanzimtoti Conference Centre near Durban.

The theme of the Congress this year will be Human Rights and the Disability Rights Charter, and a Draft of the Charter will be presented for adoption at this Congress.

Attached hereto, please find a copy of the draft programme, as well as some background information on the Charter. More information, including the Draft Charter itself, will be sent to you by mail.

We eagerly await your positive response.

Regards

M
 Michael Masutha
 Director
 Disability Rights Unit

CONTACT :

→ Mary Clarke - LHR - DURBAN
 031 - 726523
 (fax after 4pm)

TRANSPORT

NITA OR SHAN

031 - 8202310

Check.
 - cabella

LAWYERS
 for
 HUMAN
 RIGHTS

MCH 11-19-3-8

9th Southern African Congress of People with Disabilities
 10,11,12 September 1992
 Amanzimtoti Civic Centre

Preliminary programme outline for discussion and adoption of
 Disability Rights Charter

Friday 11 September

9h00-10h00 The right to self-representation of disabled people and the place for human rights charters in a new dispensation for South Africa

10h00-10h30 The effects of violence in South Africa on disabled people

10h30-11h00 TEA

11h00-12h30 Panel discussion on the entrenchment of socio-economic rights of disabled people in South Africa

12h30-13h00 Introduction to demands collected thus far for the Disability Rights Charter

13h00-14h30 LUNCH

14h30-16h30 Commission sessions on categories of demands reflected in draft charter.

Access legislation and transport
 Disabled Women
 Housing
 Employment
 Social Security
 Sport and Recreation
 Health and Rehabilitation
 Non-discrimination
 Self-representation
 Education
 Disabled Children
 Communication
 Independent Living
 Prevention

Saturday 12 September

9h00: Report back from drafting committee on amendments submitted by commissions, presentation of the charter, adoption.

9th Southern African Congress of People with Disabilities

10, 11, 12 September 1992
Amazimzisi Civic Centre (near Durban)

Preliminary Programme

Thursday 10 September:

- 07h00 Registration
 09h30 Opening Address
 10h20 Employment Options
- Vocational Rehabilitation (Training of work skills)
 - Developments (local and abroad) - Policies Resources
 - Income Generating Schemes
- 11h00 Tea
 11h30 • Report Back - Employment Projects country wide. Guidelines
- Discrimination Watch - some success stories
- 12h15 Personal Presentation - Appearance and selfconfidence
 Practical demonstration and tips on Personal Improvement.

- 13h00 Lunch
 14h30 Workshops
- A. Human Relationships
 - B. Basic Selfcare and Incontinence Management
 - C. Assertiveness Training
 - D. Care Attendant Schemes
 - E. Workshop - Needs of Blind
 - F. Workshop - Needs of Deaf

**Report prepared on the
Disability Rights Charter Project undertaken by the
Disability Rights Unit, Lawyers for Human Rights**

1. Introduction

During the course of 1991 Lawyers for Human Rights together with Disabled People South Africa (DPSA) embarked upon an initiative to formulate a charter of demands of disabled people in South Africa. The formulation of a charter of this nature, followed an initiative taken by DPSA earlier in the year, when they approached the Constitutional Committee of the African National Congress (ANC) who were involved in formulating a proposed bill of rights for a future South Africa. This process of consultation resulted in the inclusion of an article in the ANC's proposed bill of rights which deals specifically with the rights of disabled people. It was intended that a charter reflecting the rights of disabled people and their demands in this regard would serve as a very important document to guide future legislation and policy formulation on matters affecting disabled people.

The Disability Rights Charter project forms one component of the work undertaken by the Disability Rights unit of Lawyers for Human Rights. We are also engaged in legal intervention and consultation towards the eradication of discrimination against disabled people in our country. This is called the Discrimination Watch project. Our work also includes research and education into the promotion and protection of the rights of disabled people, paying particular attention to future legislation and social practice.

In formulating a plan of action to build a Disability Rights Charter, it was decided by the unit to initiate a series of workshops with organisations of disabled people throughout the country. The workshops would be aimed at facilitating an understanding of human rights among the participants, affording the delegates an opportunity to share experiences and to come up with demands which would be incorporated into the proposed charter. The workshop process described above, would form the first level of the process of consultation envisaged. The second level of consultation would take place at a drafting seminar attended by representatives of disabled people throughout the country. At this seminar, the demands already collected would be discussed and debated and a process for formulating a draft charter would be set in motion. The final stage of the process would involve discussion and debate around the draft charter at the biennial conference of DPSA, to be held in September 1992. It was envisaged that the charter would be proposed for adoption at this congress. At all stages of the charter's development it was envisaged that the concept of human rights and the existence of the rights of disabled people within this broad area of concern, would be promoted.

2. The Formulation of the Charter

2.1. First level of consultation

Workshops were held with organisations of disabled people in the following regions of South Africa:

- Cape Town (3 workshops)
- East London
- Venda
- Kangwane
- Durban
- Southern Transvaal
- Soweto
- Orange Free State
- Ga-Rankuwa
- National workshop (disabled women)

The workshops have usually been attended by between forty and eighty people, ranging in age from teenagers to elderly people. The intention of the unit, throughout this process was to incorporate the demands of disabled people with different disabilities and thus differing needs. Most of the workshops which have been held have included participants with a range of different disabilities and thus the demands which were collected reflected the experiences of a wide range of disabled people. Many of the experiences shared by the participants reflect real inequalities and prejudices within our society and it is primarily these areas of concern which are reflected in the demands collected thus far.

i) Specific groupings

The workshops have also included specific groups of people who represent important constituencies within the disability rights movement. One of the workshops held in Cape Town involved the participation of a group of parents of disabled children. It was particularly important for the unit to be exposed to the difficulties faced by parents of disabled children and for their demands and the demands of their children to be reflected in a future charter. In a similar way the needs of specific disabilities are often ignored and subsumed. The unit was able to engage with mentally disabled people at a number of the workshops held and a workshop held with the Soweto Stroke and Head Injury Association contributed to the collection of important demands reflecting the experiences of mentally disabled people.

In assessing the effectiveness of our workshops in reaching as wide a range of disabled people as possible, the unit feels that not enough consultation has taken place with the deaf community. We are presently involved in setting up some meetings to address this area of concern.

ii) Overcoming divisions

It was felt during the planning stages of the project that the charter should attempt to overcome the divisions prevalent in our society among disabled people themselves. We especially identified divisions created by gender discrimination and urban/rural divides. In attempting to overcome these divisions in the building of the charter, the unit held workshops in both rural and urban areas of South Africa. At the same time it was felt that disabled women faced specific forms of abuse both as disabled people and as women. A national workshop was held with a group of disabled women who represented the DPSA women's development teams throughout the country.

Another important area of concern identified during this initial process of consultation was the rights of disabled children. The unit was able through the workshops held, especially with the parents group in Cape Town, to specifically address the needs of disabled children. All the participants agreed that disabled children were severely discriminated against and suffered a range of abuses from the broader society. Demands reflecting the needs of disabled children and the promotion of their rights are to be included in the proposed charter.

In order to broaden the process of consultation further the unit placed a questionnaire relating to the charter in the DPSA's quarterly magazine, "disAbility". Thus far the unit has received a number of completed questionnaires which reflect a wide range of demands and experiences of disabled people.

2.2. Second Level of Consultation

The second level of consultation involved in building the disability rights charter, took place at a three day drafting seminar organised by the unit. Over 25 organisations of disabled people were represented at the seminar and thus disabled people made up 90% of the delegates.

The seminar was aimed at providing the delegates with an opportunity to discuss the demands put forward in the first level of consultation and to place these demands in the context of socio-economic rights in South Africa.

The first day of the workshop took the form of a national seminar on the Equalisation of Opportunities for Disabled People Legislation in South Africa. It was organised under the auspices of the Southern African Federation of the Disabled's Equileg Working Group. This seminar was one

in a series of Southern African seminars organised to facilitate the implementation of the Harare Declaration on Legislation for Equalisation of Opportunities for Disabled People, adopted in Harare, Zimbabwe in March 1991.

The programme for the National Equileg Seminar was designed to focus on particular areas of concern within the disability rights movement such as discrimination in the workplace, inadequate social security provision and the inaccessibility of the environment and transport facilities. All these panel discussions also looked at the inadequacies evident in the law, which fails to provide significant and effective protection against discrimination and exploitation.

The drafting workshop was organised into two sections. The first section, which took place on the morning of the second day, dealt with the concept of socio-economic rights and their enforcement through various mechanisms. In this regard papers were presented by knowledgeable speakers on the possibility of entrenching socio-economic rights in a future bill of rights and linking this discussion with the entrenchment of the rights of disabled people in various international documents.

The second section of the seminar was devoted to focusing on the demands themselves. This was done through commissions which were orientated towards categories of demands which had been highlighted through the process of consultation. Ten commission sessions reflecting the following categories of demands took place; self-representation, employment, education, social security, disabled children, independent living, health and rehabilitation, disabled women, sport and recreation and communication. During the commission sessions the delegates were afforded an opportunity to discuss the demands which reflected the needs of disabled people in these different areas of their experience. The delegates then presented to the conference their recommendations on the demands put forward, motivating why they should be incorporated into the proposed charter and suggesting areas which in their opinion had been excluded. The process embarked upon through the commission sessions was an extremely worthwhile one and presented the participants with an opportunity to carefully consider the nature and content of a future charter.

The workshop also set in motion a process towards the final level of consultation, namely the adoption of the charter at the September congress. The delegates appointed a six person drafting team whose responsibility involves the drafting of a preliminary document which can be presented for discussion and debate at the congress. The drafting committee is also responsible for sending the draft charter to all the delegates attending the congress, who will then be able to engage in discussion on the document prior to the commencement of the national conference. Once again, it is envisaged that through commission sessions, discussion and debate will take place among the delegates around the different categories of demands which have been collated and the charter itself will be located within the framework of socio-economic rights for all people in South Africa.

The staff members of the disability rights unit feel that the disability charter project has been an extremely worthwhile undertaking thus far. Not only has it presented us with an opportunity to interact with a wide range of disabled people, but it has also allowed us to be part of a process towards the development of an extremely important human rights document in South Africa.

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FAX COVER SHEET

DATE : 8 SEPTEMBER 1992

TO : LAWYERS FOR HUMAN RIGHTS
FAX NO : 031-726523

ATTENTION : MARY CHARITY

SUBJECT : DISABLED PEOPLE SOUTH AFRICA - CONGRESS

FROM : SUSAN RABINOWITZ
ASSISTANT TO ALBIE SACHS

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 1

Dear Mary

I confirm Albie's flight and accommodation details as follows:

CAPE TOWN - DURBAN	WED 9 SEPT	SA9642	18:05 / 20:00
DURBAN - CAPE TOWN	THURS 10 SEPT	SA647	18:20 / 20:35

He will be staying at the Durban Inn at 23 Sol Harris Crescent, Marine Parade. I have asked Nita to arrange transport from there to the Congress at 8 a.m. on Thursday morning.

(and from airport to hotel)

Yours sincerely

Susan
SUSAN RABINOWITZ
ASSISTANT TO ALBIE SACHS

c.c. Michael Masutha, Lawyers for Human Rights, Johannesburg

- MICHAEL MASUTHA WILL CONTACT ALBIE AT HOTEL ON WED. EVE.