



# SWAZILAND NATIONAL DISABILITY POLICY

EMPOWERMENT OF PERSONS WITH DISABILITIES IN THE 21<sup>ST</sup> CENTURY

THE DEPUTY PRIME MINISTER'S OFFICE

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*Empowered lives.  
Resilient nations.*

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- f) Oversee the formulation, implementation and monitoring of the National Disability Policy
- g) Review all existing and future pieces of legislation that have a bearing on disability issues and;
- h) Perform any other functions that may promote the welfare of Persons With Disabilities in the country

7.2.1 This National Statutory Body shall have membership composed of persons actively involved and/ or can positively influence disability issues, drawn from the government sector ministries, Non-governmental Organizations and the Private sector. The Members of the Council, including its chairperson, shall be appointed by the relevant ministry.

## **7.2 REVIEW OF POLICY**

A monitoring and evaluation system will be put in place to enhance accountability and effectiveness of the Policy. The National Disability Unit and relevant stakeholders involved in disability issues at different levels will be strengthened in support of the monitoring and evaluation of the implementation. Every ten years a comprehensive review will be done on the implementation of the National Policy. A document indicating status of implementation and a road map for five years shall be prepared based on the deliberations in a national level convention. The Portfolio Ministry responsible for Disability issues will lead the drafting and implementation of the Policy Implementation Plan of Action.

## **FOREWORD**

The Government of the Kingdom of Swaziland has recognized a need for developing a National Disability Policy (NDP). The purpose of developing the Policy is to promote, protect and ensure a full and equal enjoyment of all human rights and fundamental freedoms by all Persons with Disabilities in the country. It is aimed at ensuring full commitment by Government towards improving the livelihoods of Persons With Disabilities. This objective is achieved by putting in place goals and strategies by which this ideal will be realized.

With this policy in place it is my sincere hope that it shall make it possible to embark on another stage that will assist in developing the disability legislation and related guidelines to ensure full compliance in the provision of this fundamental right and conformity with the dictates of our Constitution and all related International Instruments.

It is my conviction that with all these instruments in place Persons With Disabilities will be accorded their rightful place in society. Furthermore they shall be empowered to contribute towards the development of the country.



**SENATOR THEMBA NHLANGANISO MASUKU  
DEPUTY PRIME MINISTER**

## ACKNOWLEDGEMENT

The National disability policy is the outcome of contributions from numerous stakeholders and individuals.

The Deputy Prime Minister's Office wishes to thank all individuals, Government sector ministries, Save the Children and other non-governmental organizations (NGOs), Organisations of Persons With Disabilities, community based organizations (CBOs) and the private sector that have made contributions to the development of this policy.

In particular the office extends its gratitude to the United Nations Population Fund (UNDP) for its financial assistance and the Ministry of Justice and Constitutional affairs for availing the services of Mr. Francis Wilson (Legislative drafting consultant from the Commonwealth Secretariat) for the technical support in putting together this policy and the related draft legislation.

  
**KHANGEZIWE MABUZA**  
**PRINCIPAL SECRETARY**

## CHAPTER SEVEN

### 7. LEGISLATIVE FRAMEWORK

This National Policy on Disability will be translated into legislation to provide social, civil, economic and legal protection to Persons With Disabilities. The Act will be aligned to the United Nations Convention on the Rights of Persons with Disabilities and other International Conventions and Declarations.

#### 7.1 NATIONAL STATUTORY BODY

The Government shall ensure that there is a National Statutory Body that regulates all social development issues in line with the dictates of the National Social Development Policy, which in other Sub Saharan African (SSA) Countries is referred to as the National Disability Council.

For purposes of the size of the population of Swaziland this Statutory Body will have the following functions;

- a) Regulate all social development issues including those of Disabled Persons
- b) provide direction, guidance and support to the national disability unit and other organizations involved in disability work
- c) Coordinate advocacy and Information Education Communication (IEC) activities on disability issues to foster attitude and behavior modification towards Persons With Disabilities
- d) Lobby for the coordination and monitoring of the utilization of resources for disability programmes and activities
- e) Review and approve disability programmes and activities for funding and implementation



## CHAPTER SIX

### 6. RESOURCES FOR POLICY IMPLEMENTATION

6.1 Due consideration has been given in the formulation of this policy to the fact that ours is yet a developing country in which financial resources are scarce. No demands are made that will incur costs that cannot be absorbed into available levels of capital or recurrent expenditure in any sector, institution or organization called on to participate in policy implementation. Additional funds if available through Development Cooperation will of course increase the speed of implementation.

Consideration has been given to the fact that we have a wealth of other resources in terms of infrastructures and human resources together with the benefits of a decentralized administration. Policies and strategies have been formulated to make maximum use of these resources that we do have, to provide equity to citizens who have disability and promote their inclusion in the mainstream. In these respects the policy is essentially both rights-based and resource-based. The resources available are the “Partners in Implementation” referred to above.

## ABBREVIATIONS

CBR	Community Based Rehabilitation
DPO	Disabled Persons Organizations
UN	United Nations
IT	Information Technology
UNICEF	United Nations International Children Education Fund
NDU	National Disability Unit
NDP	National Disability Policy
PSU	Public Sector Undertakings
FODSWA	Federation of Organizations of the Disabled in Swaziland
SNAPDP	Swaziland National Association of the Physically Disabled Persons
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WHO	World Health Organization
PA	Personal Assistant
HRD	Human Resource Development
CYP	Children and Young Persons
VRC	Vocational Rehabilitation Centers
DPMO	Deputy Prime Ministers Office
DPM	Deputy Prime Minister
DSW	Department of Social Welfare
NCCU	National Children's Coordination Unit
HIV	Human Immunodeficiency Virus
NGO	Non-Governmental Organizations
AIDS	Acquired Immune Deficiency Syndrome
UNDP	United Nations Development Program
OVC	Orphaned and Vulnerable Children
CBO	Community Based Organization
NDS	National Development Strategy
CEDAW	Convention on the Elimination Of all forms of Discrimination Against Women
CRC	Convention on the Rights of Children
SAVIP	Swaziland Association of the Visually Impaired Persons
PCDSWA	Parents of Children with Disabilities in Swaziland
SNAD	Swaziland National Association of the Deaf
MDG's	Millennium Development Goals
SACU	South African Customs Union
SADC	Southern African Development Community
IE	Inclusive Education
SEN	Special Education Needs
ILC	Independent Living Centre
SHIES	Swaziland Household Income and Expenditure Survey
ECCD	Early Childhood Care and Development

## DEFINITION OF TERMS

**Accessibility:** means equal access to information and services regardless of physical or developmental abilities or impairments.

**Assistive device:** is a tool, technology or other mechanism that enables a person with a disability to do everyday tasks and activities such as moving, communicating or lifting. It helps the person to maintain their independence at home, at work and in the community.

**Communication:** includes languages, display of text, braille, tactile communication, large print, assessable multimedia, as well as written, audio, plain language, human reader and augmentative and alternative modes, means and formats of communication, includes accessible information and communication technology.

**Disability:** Is a short or long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others.

**Environmental and Physical Barriers:** are those that constrain Persons With Disabilities from accessing public facilities and services. Environmental barriers restrict the participation of People With Disabilities in economic, educational, social, civil, cultural, recreational, leisure, religious, political activities as well as information and communication.

**Discrimination:** discrimination on the basis of disability means any distinction, exclusion or restriction 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 includes all forms of discrimination, including denial of reasonable accommodation.

## (4) Communities and Traditional Structures

The Infrastructure created during the course of implementation of this policy will have to be maintained and effectively utilized over a long period. The community should take a leading role in generating resources within themselves or through mobilization from private sector organizations to maintain the infrastructure and also to meet the running cost. This step will not only reduce the burden on state resources but will also create a greater sense of responsibility among the community and private entrepreneurs.

## (5) Private Sector

There has to be a committee put in place that will ensure full private sector participation and mobilization of resources to support issues on disability. Where possible this committee will also advise Government on possible Private Public Partnerships (PPPs) to meet the desired goals and objectives of this Disability Policy and advise the Portfolio Minister responsible.

## (6) Research Committee

This committee will be established to include the department of Social Development, academicians, professionals and experts on issues of disabilities and local research institutions like SERPAC and the National Research Council. This committee will advise on the reporting requirements of the various related International Conventions and Protocols. Research for developing new technologies for Persons With Disabilities will be encouraged with international cooperation, wherever necessary. Information about the research will be widely disseminated.

## CHAPTER FIVE

### 5. PARTNERS IN IMPLEMENTATION

#### Policy Statement

**5.1** Several partners will share responsibility for the implementation of this National Disability Policy. They will include the following-

#### (1) Portfolio Ministry

The Portfolio Ministry responsible for disability issues will be the nodal Ministry to coordinate all matters relating to the implementation of the Policy.

#### (2) The Directorate for Social Development

This Directorate will among other issues be responsible for Disabilities and it shall be established under the Portfolio Ministry responsible for disability issues. The directorate shall play a key role in the implementation of the National Policy.

#### (3) Multi Sectoral Committee

This body will be established with the Social sector and will coordinate matters relating to the implementation of the National Policy. All stakeholders including prominent NGOs, Disabled Persons Organisations, advocacy groups and family associations of parents/guardians, experts and professionals will also be represented on this body. This committee will also include the development partners on issues of disability.

A five-year perspective plan and annual plans setting targets and financial and allocations will be prepared by each Ministry. The annual report of these Ministries will indicate progress achieved during the year.

**Factors:** for purposes of this policy factors will mean those factors that impact on disability as follows:

- **Cultural:** include the many negative perceptions that have pervaded communities, associating disability with misfortune and perceiving them as omens of bad luck.
- **Environmental:** are those factors that lie outside the individual and make up the physical, social and attitudinal environment in which persons live and conduct their lives.
- **Personal:** are those that are associated with the individual's age, gender, health condition, personality, lifestyle, experience and so on, and have an influence on how the individual responds to the disability.
- **Social:** include, but are not limited to, the attitudes of other individuals and of society that perceive those who have disability as being different persons; and do not see them as human beings with equal human rights and responsibilities. These attitudes hinder Persons With Disabilities from accessing the same opportunities available to other persons; thus excluding them from mainstream society.

**Language:** includes spoken and sign language and other forms of non-spoken languages.

Discrimination on the basis of disability means any distinction, exclusion or restriction 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 includes all forms of discrimination, including denial of reasonable accommodation.

**Inclusive education:** An inclusive education system is defined as one that includes, and meets the needs of, all learners whatever their gender, life circumstance, state of health, disability, stage of development, capacity to learn, level of achievement, financial or any other circumstance. Inclusive Education also means that no child should be excluded from access to education.

**Special Education Needs:** learners with Special Education Needs (SEN) are those who do not progress according to their potential because of barriers in their education, their homes and environment.

**Independent living:** is a way of looking at disability and the society, which is aimed at disabled persons who work for determination, self-respect and equal opportunities. It postulates that persons with disabilities are the best experts about themselves and most manageable about the needs of those with disabilities.

Independent living, as seen by its advocates, is a philosophy, a way of looking at disability and society, and a worldwide movement of people with disabilities working for self-determination, self-respect and equal opportunities. In the context of eldercare, independent living is seen as a step in the continuum of care, with assisted living being the next step. (Wikipedia)

**Reasonable accommodation:** means necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, 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:** is to restore to good health or useful life, as through therapy and education

**Sheltered Employment:** these measures taken to organize and develop arrangements for training and employment under sheltered conditions for Persons With Disabilities who cannot be made fit for ordinary competitive employment.

- e) Ensure that the judicial officers in our jurisdiction are capacitated with regard to dealing with cases involving disabled persons. That is to say every court in the country should have at least one judicial officer and staffed with personnel that will be able to deal with such cases and properly assist disabled persons.
- f) Align the country's structures with international conventions and other protocols in terms of providing institutions that will specifically deal with issues of persons with disabilities, make public institutions user friendly and provide a platform for matters of grievance for those that may be aggrieved.
- g) Facilitate the sensitization of communities on the issue of living with disabilities in order to eliminate stigmatization and ensure equal treatment to all.
- h) Report cases of persons living with disabilities at the lowest community levels, including participation of such persons in all traditional structures.

## 4.17 LEGAL REPRESENTATION

### Policy Statement

It has been observed that our legislation have a deficiency with regard to provisions addressing issues of persons living with disabilities as a result the general view is that the judicial systems in the country does not treat them equally with those without disabilities. Persons living with mental and other physical disabilities have fallen victim to sexual violence without any recourse to the legal structures. This has been mostly attributed to the notion that such persons cannot give evidence in court because they are considered to be imbeciles.

In view of the different treatment of persons with disabilities has been argued that our jurisdiction seems to deprive persons with disabilities equal protection and proper enjoyment of their human rights as enshrined in Section 30 of the Constitution of the Kingdom of Swaziland of 2005.

### Strategy

Government to;

- a) Review all legislation in the country to incorporate issues of persons living with disabilities.
- b) Build capacity among persons living with disabilities in order to ensure their full participation in our justice system.
- c) Ensure that persons living with disabilities have access to legal representation at the instance of the State.
- d) create support structures that will enable people living with disabilities to participate fully in court and are able to give admissible evidence in particular with respect to victims of criminal offences such as rape, trafficking and sexual violence in general.

## CHAPTER ONE

### 1.1 INTRODUCTION

The Constitution of the Kingdom of Swaziland guarantees equality, freedom, justice and dignity of all individuals and specifically mandates an inclusive society for all including Persons With Disabilities. One in seven persons, meaning more than one billion of the world's population, is estimated to live with some form of disability. 80 percent of these live in developing countries. Globally, in recent years, there has been a vast and positive change in the perception of the society towards persons with disabilities. It has been realized that a majority of Persons With Disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures, yet they live in poverty and society tends to exclude, discriminate, thus ultimately disabling them.

Many factors are responsible for the rising number of Persons With Disabilities and their consequent isolation from mainstream of society. These include violence and war, poverty, lack of information, failure of medical services, unhealthy lifestyles, environmental factors and accidents.

Until the year 2013, Swaziland did not have a comprehensive policy, strategy or legislation for addressing the rights and needs of Persons With Disabilities hence this National Disability Policy (NDP). The NDP (and the legislation that will emanate from it) gives effect to a range of international, regional and national instruments that are in place for the realization of the rights of Persons With Disabilities and to which the government of Swaziland is signatory. Such instruments include:

- The Universal Declaration of Human Rights (*Article 22*) "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." Furthermore the Declaration states that,

“Everyone has the right to equal access to public service in his country.”

- The Charter of the United Nations committed as follows, “We, the persons of the United Nations ....reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...”
- The United Nations Standard Rules on Equalization of Opportunities for Persons With Disabilities emphasizes “... that Persons With Disabilities, and their parents, guardians, advocates and organizations, must be active partners with states in the planning and implementation of all measures affecting their civil, political, economic, social and cultural rights.”
- The Salamanca Statement and Framework for Action on Special Needs Education “urges states to ensure that the education of Persons With Disabilities is an integral part of the education system....noting with satisfaction the increased involvement of governments, advocacy groups, community and parent groups and in particular organizations of persons with disabilities, in seeking to improve access to education for the majority of those with special needs...”
- The United Nations Convention on the Rights of Persons With Disabilities (UNCRPD) seeks to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all Persons With Disabilities and to promote respect for their inherent dignity.” Swaziland ratified this Convention in September 24, 2012, thus emphasizing the importance of the NDP. The basis of the policy is on the UNCRPD and all its Optional Protocols.

Other International Conventions that the NDP adheres to include; International Convention on Economic, Social and Cultural Rights (1966) (*Article 9*); Convention on the Elimination of All Forms of Discrimination Against All Women (1980); Convention on the Rights of the Child (1989); African Charter on Human and People's Rights; African Charter on the Rights and Welfare of the Child (1990); African Decade for Persons With Disabilities 1992.

- b) Design facilities, which are user friendly particularly with respect to the persons with disabilities.
- a) Create opportunities for the celebration of traditional and contemporary Swazi dance forms as a way of mobilization and cohesion during important national events to ensure

#### 4.16 DISASTER

In situations of risk and humanitarian emergencies, persons with disabilities are the most vulnerable and require organizational and State support. In recognition of the particular vulnerabilities of persons with disabilities during situations of risk and humanitarian emergencies, Government undertakes to ensure their protection and safety by providing emergency preparedness programmes.

##### Strategies

- a) Disseminate information and raise awareness on the challenges faced by Persons With Disabilities before, during and after disaster.
- b) Develop a disability inclusive approach to disaster preparedness and risk reduction management.
- c) Government to ensure that the National Evacuation Centers are established and that these facilities are fully accessible for Persons with Disabilities during and after disasters.
- d) Government to ensure that mobility devices are part of relief assistance to benefit Persons With Disabilities during disaster.
- e) Government to ensure that the existing budgetary provision for disaster management includes emergency relief for Persons with Disabilities.



## 4.15 CULTURE

Disability has for a long time been treated as taboo in Swazi culture. Persons With Disabilities have tended to be marginalized and at times prohibited from participating in some cultural events. Over the years this has changed and His Majesty the King publicly demonstrated his acceptance of persons with disabilities.

Government will promote and support the full and meaningful participation of Persons With Disabilities in culture and cultural events at all levels. The Policy will ensure youth and children with disability are properly guided and molded in Swaziland's own culture as this is important for preserving the nation's identity and pride.

The Government will put in place mechanisms for the integration of persons with disabilities in art and culture. The policy will ensure that indigenous and traditional knowledge is imparted to Persons With Disabilities to ensure their inclusion and participation in cultural and mainstream activities.

### Strategies

- a) Promote research on effective ways of integrating persons with disabilities to make them self-reliant and have the appropriate human status and dignity.
- b) Allocate more resources to promote the participation of the persons with disabilities in art and culture.
- c) Hold advocacy and sensitization campaigns for the elimination of cultural stereotypes and beliefs that result in the exclusion and marginalization of persons with disabilities.
- a) Promote awareness campaign with a view to make society view persons with disabilities as whole beings who can contribute to the society.

The Southern African Development Community (SADC) protocols and standards also recognize the rights of Persons With Disabilities including women with disabilities.

The Constitution of the Kingdom of Swaziland, 2005 in Section 14(3) provides for the protection and promotion of fundamental rights and freedoms of individuals of whatever...disability; and further provides for Equality before the law in Section 20, emphasizing that “for the avoidance of any doubt, a person shall not be discriminated on the grounds of ...disability (Section 20(2)). In addition Section 30 details the Rights of Persons With Disabilities and subsection 2 provides that “Parliament shall enact laws for the protection of Persons With Disabilities so as to enable those persons to enjoy productive and fulfilling lives.” In aligning with the Constitution and the International Laws Swaziland has further put in place the following policies and instruments relating to persons with disabilities and their rights:

- The Children's Protection and Welfare Act in Part 2 section 4 provides that “a child shall not be discriminated against on the grounds of...disability...” Furthermore section 11 states that “a child with disability has a right to special care, medical treatment, rehabilitation, family and personal integrity, sports and recreation, education and training to help him enjoy a full and decent life and dignity and achieve the greatest degree of self- actualization, self-reliance and social integration possible.”
- The National Development Strategy (NDS) “recommends measures to improve the situation of Persons With Disabilities. It also calls for special attention to members of the society with disabilities” in human resource and resources development.
- The Swaziland Education and Training Sector Policy section 6(3) “emphasizes on the inclusive education for “all learners whatever their gender ...disability...” It further states that “all attitudinal and physical barriers to inclusive education shall be

removed in public private and other schools and institutions”.

- Swaziland National Sports Policy provides for the promotion and identification of persons with disabilities in sports, “all sports and recreational facilities shall ensure that they meet disability standards” and “all sports associations must have disability sections within each of their sporting codes”.

The National Development Strategy also advocates for the enactment of policy and legislation to ensure equal opportunities for Persons With Disabilities to enable them to become more independent as well clearly outlining and coordinating the role of the private sector and NGOs working in close collaboration with government in the provision or addressing issues of social welfare.

Other National Policy Documents alluding to the rights and recognition of persons with disabilities include the National Social Development Policy, the National Children's Policy, the National Youth and Culture Policy and others. The documents cited above indicate that Swaziland is prepared to address issues of Persons With Disabilities through this policy.

## **1.2 BACKGROUND**

Swaziland is classified as a lower middle income country and according to the 2010 Swaziland Household Income and Expenditure Survey (SHIES), the poverty incidence has declined slightly to 63% from 69% in 2005.

According to the Swaziland Business Year Book 2005, the national unemployment rate is estimated to be around 40%. There is large disability population in Swaziland. The 2007 National Census indicated that Persons With Disabilities accounted for 16.8% of the total population. This group is largely poor and disadvantage with little or no access to community services such as public transport, employment, education and others. Persons with

### **Strategies:**

For creation of barrier-free environment, the following strategies will be adopted:

- a) Promote disability as a human rights issue not a welfare issue to change perception about Persons with Disabilities
- b) Public buildings (functional or recreational), transport amenities including roads, subways and pavements, bus stops/terminals, airports, modes of transports (bus/kombis, plane) will be made accessible;
- c) Use of sign language at all national events will be encouraged;
- d) Full adoption of comprehensive building byelaws and space standards for barrier-free built environment shall be ensured;
- e) Efforts will be made to ensure adoption of the byelaws and space standards by all state institutions in the country. These institutions will ensure that all newly constructed buildings for public use are barrier free;
- f) The Government will ensure that Industrial establishments, offices, public utilities both in public and private sector provide disabled friendly work place for Persons With Disabilities. Safety standards will be developed and strictly enforced.
- g) Proactive steps will be taken to ensure disability friendly Information Technology (IT) environment in the country;
- h) All buildings and related structures, which are for public use, will be periodically audited for its accessibility to persons with disability;
- i) Banking system will be required to meet the needs of persons with disabilities;
- j) Communication needs of persons with disabilities will be met by making information service and public documents accessible. Braille, tape service, large print, telecommunication and other appropriate technologies will be used to provide information for persons with visual disability;
- k) Traffic lights will be programmed to make an audible sound as warning to persons with disabilities especially the visually impaired;
- l) Public transport will be made affordable and easily accessible to Persons with Disabilities.



## 4.14 BARRIERSTO INCLUSION

### Policy Statement;

These could be classified as environmental and transport accessibility barriers, communication barriers (no sign language culture), cultural barriers (superstitious beliefs), societal and family expectations (negative stereotyping). The majority of public buildings and private facilities like banks and places of worship are inaccessible to wheelchair users and other persons who have mobility disability and use walking aids. Persons in wheelchairs cannot use public transport. The height of buses /kombis and doorways are too narrow. Inaccessibility to transportation severely limits employment and educational opportunities for this group of individuals.

These physical and communication barriers, and family and societal expectations are created by negative societal behaviors which are a manifestation of certain deep-rooted attitudes. Such attitudes are influenced towards a positive change when society as a whole and as individuals, realizing and accepting that they are unjust, take responsibility for bringing about required changes. This is the philosophy underlying this National Policy and the reason for it harnessing all public sector and civil society groups to be direct partners in its implementation.

Government will facilitate creation of institutional mechanisms and programmes through which Persons With Disabilities can be integrated effectively with the rest of society.

disabilities are further extremely vulnerable and susceptible to abuse and the scourge of HIV/AIDS.

The Disability Movement has been advocating for the formulation of a National Policy on Disability. The National Constitutional of Swaziland of 2005 created an enabling legal framework by enshrining the rights of Persons With Disabilities. This Policy is then a fundamental tool for providing both stimulus and momentum to the process of Social Development that will change the situation of Persons With Disabilities. This will enable Persons With Disabilities to exercise their rights and responsibilities, guaranteeing them an equitable share of available resources and including them in the socio-economic mainstream.

## I.3 SITUATIONAL ANALYSIS

Responding to the request of the Disability Movement, the Deputy Prime Minister's Office commenced two studies and released the resultant publications on Disability in Swaziland.

As follows;

*'A Situational Assessment of Children and Young Persons With Disabilities'* national survey was carried out between May and June, 2009. It is in essence the outcome of experiences shared by children and young Persons With Disabilities, as well as their caregivers, and it documents previously unavailable information on the situation and needs of children and young persons with disabilities in Swaziland. Samples were drawn from 179 Enumeration Area (EAs) that had 10 or more households that reported at least one child or person living with disability during the 1997 Population and Housing Census. Kagogo Centre Managers (trained data enumerators), visited all households in the respective EAs to determine whether or not there was an eligible person in each household visited. A total of 1,404 eligible children and young persons aged 0 to 30 years were identified during the survey.

The findings indicate that the most common type of disability was mental disability, affecting over half of all survey participants. The study shows that over one third of the surveyed had multiple disabilities. The majority (61%) required assistance with personal care such as bathing and walking. Only 11% reported that they used assistive devices.

The findings further indicate that children and young persons with disabilities often lack access to basic services including education and health care. Among children and young persons aged 7 and over, one in four had never attended school. School attendance was especially low for secondary schools, with 15% of secondary school age children attending secondary school. In the area of health care, 58% required medical treatment; just over a quarter were actually receiving treatment.

Another startling result of the survey is that children and young persons (CYP) with disabilities were also at higher risk of abuse and discrimination; one in four children with disabilities were victims of physical abuse, emotional and sexual abuse, and also experienced discrimination because of their conditions.

'A Situational Assessment of Children and Young Persons With Disabilities: Key Findings' and a holistic study of 'Swaziland Disability Profile' findings revealed disparities between local practice and international norms. These findings together with various international conventions on disabilities including the UN Convention on the Rights of Persons with Disabilities have served as platform to develop this National Disability Policy and the principal areas and programmes for intervention.

The wishes expressed by the Disability Movement calls for such a National Disability Policy to be both rights-based and resource based. To meet these demands it was essential to consult and solicit the views of a wide cross-section of members representing the Government, disability organizations, NGOs, experts in the areas of the Law and of Human Rights and Gender. The strength of the policy however lies in the process adopted for its development. This has been essentially participatory, with the Deputy Prime Minister's Office seeking collaboration from other line Government Ministries, NGOs, the private

## 4.13 NATIONAL REGISTRATION

### Policy Statements

Persons With Disabilities are often left out of services that are available to the citizens of the country because of lack of proof of a disability. Identification of Persons With Disabilities using a transparent and objective tool is paramount to their ability to access all forms of services in the country.

The Government will register and keep a database of all Persons With Disabilities in order to address their specific needs and accord them dignity of life.

### Strategies

- a) The Government will establish guidelines for evaluation of disabilities and procedure for registration.
- b) The Government will ensure that Persons With Disabilities obtain the disability registration without any difficulty in the shortest possible time by adoption of simple, transparent and client-friendly procedures.
- c) The National Disability Unit (NDU) will be required to register all People with Disabilities after evaluation to determine if they meet the standard of registration
- d) All Persons With Disabilities shall be required to register for a PIN or ID where appropriate or a medical certificate from a recognized medical practitioner for special severe cases.
- e) Government will ensure that Persons With Disabilities have access to all the statutory identification documents.
- f) Disabled persons have to be registered at birth and death like any average citizen.

## 4.12 SPORTS AND RECREATION

### Policy Statement

The contribution of sports for disabled persons is therapeutic and community spirit is undeniable. Persons With Disabilities have a right to access sports and recreation facilities. Government will ensure that sports and recreational facilities and structures are adaptive and accessible to Persons With Disabilities.

### Strategies:

The Government will take necessary steps to provide them opportunity for participation in various sports and recreation:

- a) Ensure places for recreation, sports, hotels, sport arenas, auditoriums, gym halls, and other related facilities (are) accessible;
- b) Ensure travel agencies, hotels, voluntary organizations and others involved in organizing recreational activities or travel opportunities offer their services to all, taking into account the special needs of persons with disabilities;
- c) Facilitating the identification of talent among persons with disabilities in different sports shall be made with the assistance of relevant sport bodies and schools.
- d) Ensuring the formation of Sports Organisations for persons with disabilities. There will be mechanism to support the participation of persons with disabilities in national and international events.
- e) Instituting a national award for excellence in sports for persons with disabilities.
- f) Government to engage the private sector in the management and promotion of sports for persons with disabilities.

sector (culminating in a Consultive workshop at the Happy Valley Resort at Ezulwini from 24th - 28th September 2012). The views and representations of all those who participated and contributed in any way have been taken into consideration in the formulation of this policy.

## CHAPTER TWO

### 2. RATIONALE FOR POLICY FORMULATION

#### 2.1 DISABILITY AND ITS IMPLICATIONS

Swaziland defines disability according to the UNCRPD, which articulates the following sentiments regarding Persons With Disabilities: "It is a short or long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others."

In the 2007 census for Swaziland, disability was narrowed down and defined as "physical or mental impairment, which inhibits an individual's ability to work or participate relative to the normal standards of an individual or group. Disability might occur from birth or may be brought about by disease, injury or as a result of old age."

The above definitions and all factors that contribute to vulnerability of People with Disabilities, including personal factors; environmental factors; social factors; cultural factors; environmental and physical barriers give a basis for the critical areas of concern in the disability policy.

The National Disability Policy also addresses Environmental and Physical Barriers that constrain Persons with Disabilities from accessing public facilities and services. These barriers restrict the participation of Persons With Disabilities in economic, educational, social, civil, cultural, recreational, leisure, religious, political activities as well as information and communication.

Government will provide social security grants to cover fundamental expenses that will provide persons with disabilities an adequate standard of living.

#### Strategies:

Government to;

- a) Provide social grants to disabled persons using the best targeting methods.
- b) Create a data base of all eligible People with Disabilities for receiving grants.
- c) Ensure that eligible Persons With Disabilities receive grants on regular basis and in a transparent manner.
- d) Develop comprehensive working guidelines for social security for all People with Disabilities.
- e) Facilitate that Social protection including pensions and insurance schemes is made available to citizens of Swaziland who have disability, on an equal basis.
- f) Take the special needs of persons with disabilities into account, in instances where the disability is too severe for certain individuals to be economically independent (such as those with chronic psychiatric disability, profound mentally challenged and multiple disability), adequate social security measures will be taken to ensure a reasonable quality of living (life) for those individuals.
- g) Ensure that the Portfolio Ministry which has the responsibility for disability issues including welfare services to Persons With Disabilities, will seek to expand and promote a more equitable welfare service.
- h) Develop a disability empowerment programme that will target Persons With Disabilities development.

- d) Measures to minimize the costs of assistive and adaptive devices and make them affordable to the general public will be implemented.
- e) Data about assistive and adaptive devices and technology required by Persons With Disabilities will be collected by relevant Ministry at periodic intervals so that needs in this area could be assessed and coordinated steps taken to meet them.
- f) Disabled Persons Organizations will be encouraged to collaborate with relevant stakeholders in the distribution and prescription of assistive devices.
- g) Create institutional and policy mechanisms through which persons with disabilities can be rehabilitated and integrated effectively with the rest of society.
- h) Raise awareness on how to prevent the various forms of disabilities. Establish new centers in all regions and provide community-based rehabilitation programmes. There should be emphasis on early detection and early intervention, and necessary facilities will be created towards this end.
- i) Strengthen and capacitate the existing rehabilitation centers and have these facilities adequately regulated and monitored;
- j) Government to develop formal relationships with the private sector on the establishment of rehabilitation centers and possible partnerships.
- k) Government to ensure that the assistive devices are maintained, refurbished and re-usable.

#### **4.11 SOCIAL SAFETY NETS**

##### **Policy Statement**

Social Welfare is conceptualized as a system of laws, programmes, benefits and services which strengthen or assure provisions for meeting social needs recognized as basic for the welfare of the population and for the functioning of (the) social order. A vital component of social welfare is social security which can be characterized as a public measures to protect individuals and families against loss of income as a result of unemployment, workplace injury, sickness, invalidity, maternity, old age and death. Social Security also protects persons who lack the means to support themselves.

## **2.2 UNITED NATIONS INTERVENTIONS**

In recognition of the above facts, the United Nations (UN) has worked to give disability a high priority status in the under looked development agenda; approximately 10 per cent of the world's population are persons with disabilities (over 650 million persons), approximately 80 per cent of whom live in developing countries. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted by the UN General Assembly on 13<sup>th</sup> December, 2006 and came into force on the 3<sup>rd</sup> May, 2008. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and promote respect for their inherent dignity. The Convention sets out the legal obligations on States to promote and protect the rights of persons with disabilities.

Principally, the Convention recognizes that persons with disabilities have inherent rights, and that they are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.

To date, the convention has 153 signatories and has been ratified by 112 countries. The Kingdom of Swaziland became a signatory in 2007 and ratified the Convention in September 2012. The National Disability Policy has adopted both the letter and the spirit of the Convention.

## **2.3 NATIONAL CENSUS 2007 AND DISABILITY PROFILE**

According to the 2007 National Census, Persons With Disabilities accounted for 16.8% (171,347) of the total population (1,018,449). In terms of age, there is a higher incidence of disability in the population among the age groups 5 – 24 years followed by the age groups 40 – 45 years. In particular, incidence of disability in the population was the highest in the age group 10 – 14 years at 9.1% of the population with disabilities.

The population with disabilities in Swaziland is largely poor and disadvantaged with little or no access to community services such as public transport, employment, education and other amenities. Persons With Disabilities are also highly vulnerable and susceptible to abuse, gender based violence and HIV/AIDS.

## **2.4 NATIONAL INITIATIVES**

Given the above situation, the Government of Swaziland and other stakeholders have in place a number of programmes to address issues of disability in the county.

A Community-Based Rehabilitation Programme was established in 1990 and was upgraded to a National Disability Unit in 2000 in the Ministry of Health and Social Welfare. In 2008 it was transferred to the Deputy Prime Minister's Office under the Department of Social Welfare. However, the Unit requires to be strengthened to be able to meet the needs of Persons with Disabilities.

The Ministry of Labour and Social Security provides vocational training geared towards self-employment and income generation for Persons With Disabilities; the objective is to empower them with entrepreneurial skills. However the provision of vocational training for Persons With Disabilities needs re-strategizing to ensure inclusivity, relevance and with priority placed on the visually impaired persons.

Training is provided in three rehabilitation centers; Nhlngano, Mbabane and Malkerns Rehabilitation Centers. The vocational rehabilitation approach encourages persons with disabilities to be self-supportive and independent in life.

## **4.10 ASSISTIVE, ADAPTIVE DEVICES AND REHABILITATION**

### **Policy Statement**

Assistive and adaptive devices include a variety of tools and equipment that enable Persons With Disabilities to be more independent and promote their inclusion in society. The most commonly used tools and equipment include wheelchairs, prostheses, crutches, hearing aids, white canes and spectacles. Other medical devices such as catheters, urine bags and colostomy bags are essential for the daily living of many individual who have disability.

Use of these devices also forms part of rehabilitation of the disabled persons. Rehabilitation of Persons With Disabilities is a process aimed at enabling them to reach and maintain their optimal physical, sensory, intellectual, psychological and social functional levels. Rehabilitation provides disabled persons with the tools they need to attain independence and self-determination. Government will strengthen and extend comprehensive habilitation and rehabilitation services, which go beyond health services and include employment, education and social services.

Government will provide Persons With Disabilities, with the requisite assistive devices and rehabilitation services and ensure that they [assistive devices] are readily available, appropriate and accessible to all.

### **Strategies:**

- a) Government will encourage local innovation, production, maintenance and distribution of assistive devices
- b) Private sector to make available assistive devices within affordable means.
- c) Government shall set standards on the distribution of Assistive devices and they are to be prescribed and issued by qualified and trained personnel.



- d) Ensure provision of effective medical interventions for prevention, early detection, diagnosis and treatment of disability and disabling conditions, rehabilitation and necessary referrals and counseling for individuals who have disability and their family members;
- e) Human resource development to ensure adequate trained personnel at all levels of health service delivery and rehabilitation;
- f) Ensure access for health information for all Persons With Disabilities including the training of health workers in relevant communication skills such as braille and sign language;
- g) Hospitals and health facilities to be disability friendly/compliant and include free and or affordable health care services.
- h) Create an enabling environment to ensure availability and accessibility of family planning information and services to all persons regardless of sex, gender, age, status, sexual orientation and religion according to their needs.
- i) Secure resources for the provision of comprehensive FP services accessible information and communication technology.
- j) Provide technical guidance and tools on ASRH issues at all levels of service provision.
- k) Provide comprehensive ASRH information and services to persons with disabilities.
- l) Secure resources including competent and skilled human resources required for management of STIs, HIV and AIDS.
- m) Improve monitoring and evaluation systems for STIs, HIV and AIDS intervention.
- n) Increase accessibility and availability of commodities and supplies for prevention and management of STIs, HIV and AIDS at all levels of service provision.
- o) Provide comprehensive information and management of STIs, HIV and AIDS.
- p) Engage communities on STIs, HIV and AIDS prevention and treatment activities.
- q) Facilitate that those severely disabled and vulnerable get subsidies or even free treatment at the public facilities.

The Ministry of Education and Training provides special and inclusive education which addresses the educational needs of Persons With Disabilities. Inclusive Education is concerned with the development and provision of quality education characterized by access and equity. It recognizes that every learner is unique and should be treated equitably by teachers and the system. IE aims to serve the needs of all learners and enable them to reach their full potential and seeks to involve parents and communities. The Special Education Unit in the Ministry of Education provides special education and early intervention services to children and youth with learning disabilities. It has four special schools: Ekwetsembeni School for Children with Learning Exceptionalities; School for the Deaf at Siteki and a High School for the Deaf at Matsetsa; and St. Joseph School (which has a Resource Centre for the blind and Zama class for children with learning disabilities).

## 2.5 NON-GOVERNMENTAL ORGANISATIONS (NGOs)

Non-governmental Organisations (NGOs) initiatives include:

- The Coordinating Assembly of Non-Governmental Organisations in Swaziland (CANGO) which is an umbrella body for all NGOs, including those with disability initiatives
- The Federation of organizations of the Disabled in Swaziland (FODSWA) - the umbrella body for all associations of Persons With Disabilities.
- Save the Children, an organization which advocates for the promotion of all children's rights, including those with disabilities
- Cheshire Homes of Swaziland who focuses on the rehabilitation of persons with physical disabilities.

## 2.6 FAITH BASED ORGANISATIONS

St Joseph's Catholic Mission which houses Ekululameni Training Centre; an initiative that provides vocational training to persons with disabilities over 18 years.

## 2.7 ORGANISATIONS OF PERSONS WITH DISABILITIES

The Organizations of Persons With Disabilities offer advocacy and development work aimed at empowering persons with disabilities. These include:

- Swaziland National Association of the Deaf (SNAD)
- Swaziland Association of Visually Impaired Persons (SAVIP)
- Parents of Children with Disabilities in Swaziland (PCDSWA);
- Swaziland National Association of the Physically Disabled Persons (SNAPDPe).

## 2.8 THE CASE FOR A NATIONAL DISABILITY POLICY

The Deputy Prime Minister's Office launched the National Social Development Policy in 2010, which has as its mission "the provision of integrated, comprehensive and equitable social development services, in partnership with key stakeholders, to improve the quality of life of the Swazi nation, particularly its poorest and most vulnerable members." Despite its significant impact, the fact remains that Persons With Disabilities their families and care givers incur substantial additional expenditure for facilitating activities of daily living, medical care, transportation, assistive devices. There is therefore a need to provide persons with disabilities with social security by employing various strategies.

## 4.9 HEALTH

### Policy Statement

The thrust of the health policy in Swaziland is to increase life expectancy and improve the quality of life of all citizens in spite of the challenges posed by HIV and AIDS and other serious diseases. Promotion of health lifestyles, prevention of diseases and disabilities, provision of care and rehabilitation for persons with disabilities are key components of this policy.

Comprehensive accessible information and integrated SRH services shall be provided to all Persons With Disabilities including children, adolescents and young persons at all levels of health care delivery systems. Presently persons with disability in Swaziland do not have adequate access to information and accessibility to services which will enable them to make informed decisions on their sexuality and reproductive Health. This lack of access is even more profound as it relates to the adolescents and youth with disabilities. The policy will provide an opportunity for strengthening ASRH services to persons with disabilities and help ensure that there is no forced treatment which occurs on the basis of disability.

### Strategies:

- a) Build and strengthen partnerships with relevant government, non-government, private sector agencies and organizations of Persons With Disabilities and ensure support services including provision of assistive devices and resettlement;
- b) Harmonize and strengthening of partnership between Disabled Persons Organization (DPOs) and relevant government, NGO and private agencies to ensure inclusion of People with Disabilities in all services planned to benefit them;
- c) Facilitate community awareness and community mobilization on health promotion to prevent disability;



## 4.8 INDEPENDENT LIVING

### Policy Statement

Independent Living is a way of looking at disability and society, a worldwide movement of persons with disabilities who work for self-determination, self-respect and equal opportunities. The Independent Living movement compliments the special education and rehabilitation experts' concepts of integration, normalization and rehabilitation with a new paradigm developed by Persons With Disabilities themselves. It postulates that persons with disabilities are the best experts in their needs, must take the initiative, individually and collectively, in designing and promoting better solutions.

Government will create an enabling environment for the full individual autonomy of persons with disabilities in order for them to have; on an equal basis with others; to be in charge of one's own life; make reasonable life choices; are subject to minimum interference with their private life and can make their own decisions, with adequate support if required.

### Strategies:

- a) Government will encourage that Persons With Disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.
- a) Persons With Disabilities have access to a range in-home, residential and other community support services including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.
- b) Community services and facilities for the general population are available on an equal basis to Persons With Disabilities and are responsive to their needs.
- c) Government embraces the Independent Living philosophy and will seek to engage Development Partnerships in promoting projects in this regard.

Such initiative has to be catered for in a National Policy on disability which would provide a framework that will guide the inclusion of disability in Government Policies and programs. Efforts to address disability have been further hampered by the continued lack of credible data and information on the extent of disability in Swaziland. The Swaziland Disability Profile (April, 2011) has provided to a large extent the necessary data upon which this National Disability Policy has been constructed.

In terms of gender, there are 98,902 (58%) women with disabilities compared to 72,445 (42%) men with disabilities. In terms of the rural/urban residence, 140,878 (82%) of persons with disabilities live in the rural areas compared to 30,469 (18%) who live in the urban areas.

Women, men, girls and boys with disabilities suffer the effects of cultural stereotypes, attitudes, indirect and direct marginalization in various areas, including, in particular, decision making, inheritance, succession, ownership of property and leadership. The discrimination they experience is different according to their gender and on societal expectations of their gender roles. Gender issues are central to SRH and the National Gender Policy that was developed in 2010. Gender Based Violence is often sexual in nature and leads to the violation of sexual and reproductive health and rights of girls, women and boys in the communities. Government is committed to the promotion and protection of the rights of Persons With Disabilities to reduce and eliminate gender inequalities and imbalances in all spheres of life.

Regionally, Manzini has the highest population with disabilities at 49,033 (29%), followed by Hhohho at 46,366 (27%), whilst Lubombo had 43,276 (25%). Shiselweni has the lowest population with disabilities at 32,672 (19%).

The leading cause of disabilities in Swaziland is disease/illness (59%), followed by congenital causes (25%), and injury/accident (16%). When considering the type of disability and the

cause of the disability Disease/illness (at 66%) is the leading cause of seeing disability; hearing disability (59.6%), and walking/climbing disabilities is (44.2%). For speaking and remembering/concentration, the leading cause is congenital at 62.2% and 47.7% respectively.

This Disability Policy, also puts emphasis for those children with disabilities (forming part of the statistics above) the inherent right to life, and to survival, protection and development to the maximum extent possible. This Policy emphasizes two particular statements in the UNCRC. The first is the principle that “the best interest of the child shall be a primary consideration” for all actions concerning the child. The second is that the Government must “respect the rights and responsibilities of parents and the extended family to provide guidance for the child that is appropriate to her or his evolving capacities”

Sections 29 and 30 of the Constitution provide a significant shift in the right direction in confronting the depressing statistics as they relate to persons with disabilities. The current statistics show that 23 percent of Persons With Disabilities have never attended school in Swaziland; the majority (13.7%) have lower standard education while 26% have secondary or high school education. 9.3% have lower primary education while 3.5 % have college education. 2.3% have pre-school education with 2.3% having attended a literacy programme. Only 2% of this population has university education. A significant 25% of the population with disabilities is uneducated. These statistics are unacceptable, and there is a need for mainstreaming of the persons with disabilities in the general education system through inclusive and special education.

In terms of the employment status of the population with disabilities in Swaziland, 83.7% are economically inactive while 12.3% are employed; 4% of this population is unemployed but economically active.

## 4.7 HOUSING:

### Policy Statement

Persons with disabilities require affordable and accessible housing and housing grants to ensure the full attainable rights to privacy and family life. Government will facilitate the adaptation of Housing and other related structures to address both rural and urban needs of Persons With Disabilities. Government will further facilitate that persons with disabilities have access to land under the Swazi Nation Land and have audience before Chiefs and other traditional leadership for purposes of 'Kukhonta'.

### Strategies:

- a) Necessary but time-limited affirmative action will be taken to promote equity in this area and protect the rights of persons with disabilities to access adequate shelter.
- b) Authorities such as The National Housing Board, City Councils, Town Councils and Local Councils, which obtain Government allocations to implement housing development programmes will include as their beneficiaries Persons With Disabilities.
- c) Loans by financial institutions to individuals with disabilities to purchase land will be encouraged.
- d) All Government-sponsored and private sector programmes which construct dwellings should build houses with easy accessibility and these should also be made available for purchase/rent to Persons With Disabilities;
- e) Government will shall that provision of the necessary support to families to care for persons with severe multiple disabilities to make their living conditions comfortable.
- f) Persons with disabilities will have access to land without difficult conditions concessionary and reasonable terms.
- g) Traditional authorities will protect disabled citizens from being denied access to land allocated to them and from property grabbing by family members and next of kin.
- h) Existing structures and new designs of buildings should be accessible to People with Disabilities.

- c) Women and girls with disabilities will be protected against exploitation and all forms of abuse from the public and next of kin.
- d) Promote fair and equal treatment of girls and boys with disabilities by families, communities, and service delivery institutions.
- e) Special programmes will be developed for education, employment and providing (the provision) of other rehabilitation services to women, girls and boys with disabilities keeping in view their special needs.
- f) Special educational and vocational training facilities will be set up and women and men with disabilities will be catered for and accommodated in existing training facilities.
- g) Programmes will be undertaken to rehabilitate abandoned disabled women/girls by encouraging their adoption in families, support to house them and impart them training for gainful employment skills.
- h) To encourage the start of projects where representation with disabilities will be significant.
- i) Improve existing structures and provide short duration stay homes or hostels for the safety of abused women/girls with disabilities, including homes for aged disabled persons.
- j) Government will encourage participation in Parliament of women with disabilities.
- k) Government will ensure appropriate measures to eliminate discrimination against women with disabilities in the family, workplace and everywhere in the society.
- l) Develop programmes and strategies that will assist women, men, girls and boys become important agents and catalyst of cultural heritage, to effectively pass cultural knowledge to children.
- m) Collaborate with other government ministries and partners in addressing issues of gender based violence against persons with disabilities.

When looking at the incidence of disability within the general population overtime, there is a significant increase in the number of Persons With Disabilities in the 2007, period compared to the previous counts in 1997, and 1986. In 1986 Persons With Disabilities accounted for 2.2% of the population while in 1997, they accounted for 3% of the total population. The population with disabilities in Swaziland is largely poor and marginalized with little or no access to community services such as public transport, employment, education, etc.

The Policy seeks to also introduce the new concept of Independent Living for the Persons With Disabilities. This approach is based on peer support and role modeling in local grass-roots initiatives, referred to as Centers for Independent Living (CILs) that are run and managed by Persons With Disabilities. Depending on the public services in the community, CILs might assist with housing referral and adaptation, personal assistance and referral. Typically, centers work with local and regional governments to improve infrastructure, raise awareness about disability issues and lobby for legislation that promotes equal opportunities and prohibits segregation and discrimination.

Persons With Disabilities are also highly vulnerable and susceptible to abuse and HIV/AIDS. STIs, HIV and AIDS account for significant proportions of morbidity and mortality in Swaziland. Prevention of both diseases is an imperative priority for the country with emphasis on integrated service delivery for prevention, treatment, care and support including impact mitigation. Swaziland has an HIV and AIDS policy as well as a recently reviewed HIV and AIDS National Strategic Framework give will guidance for protection of persons with disabilities although there is still the need to bridge the gap in terms of providing and making accessible health services in sign language and Braille communication which is a current hindrance to Persons With Disabilities in the various health institutions country wide.

This is a situation that is clearly unacceptable as it deprives the Persons With Disabilities the fundamental right to life, hence the interventions by Government and other stakeholders referred to earlier.

The provision of some form of social security will therefore have to be considered broadly and the current arrangements reviewed to address the economic status of the disabled persons in Swaziland. This among other issues cover issues of food shortages, clothing and other basic necessities identified for a disabled person.

The protection of socio-economic rights is guaranteed by the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights. The economic challenges faced by People with Disabilities increase vulnerability to poverty, abuse, psycho-social challenges and inability to meet their basic needs hence the need to put in place measures of balancing their economic status.

It is against this backdrop and all the other issues alluded too above that the Deputy Prime Minister's Office, through the Disability Unit, is developing this National Disability Policy.

- j) Ensure that students with disabilities have the right to express their views in all matters affecting them.
- k) All the children support to be included in the National Plan of Action (NPA) from time to time.

## **4.6 GENDER DISPARITIES**

### **Policy Statement**

Statistics reveal that there are more women with disabilities compared to men in Swaziland. Out of the total population of persons with disabilities 58 percent (98 902) of them are women and 42 percent (72 445) of them are men. Women who have disability are subject to marked discrimination in terms of employment, education, economic empowerment as compared to their male counterparts.

Females also encounter a greater degree of negative attitudes. Families tend to protect their female members who have disability from a society which rejects and stigmatizes them. As well as social abuse, females also need to be protected against sexual abuse. Families and authorities who for one reason or another are responsible for the well-being of females with disability tend to “protect” them from the male sex. The protection quite easily leads to over-protection, and sometimes to what some may consider even oppression.

### **Strategies:**

- a) Integrate a gender perspective when planning for women, men, boys and girls with disabilities so that their different needs are addressed by all structures.
- b) Facilitate the implementation of the gender policies and programmes to achieve a culturally supportive society in respect of the rights and status of women.

Government will promote the respect for the evolving capacities of children with disabilities and for their right to preserve their identities, ensure that these children progressively acquire knowledge, competences and understanding, including about their rights, their participation in decision-making processes that affect them, including their right to preserve their identities.

**Strategies:**

The Government will therefore-

- a) ensure right to care, protection and security for students with disabilities;
- b) Ensure the right to development with dignity and equality through creating an enabling environment where students can exercise their rights, enjoy equal opportunities and full participation in accordance with the various international Declarations and Conventions;
- c) ensure that rehabilitation centers are established across the country with relevant trained and skilled staff members;
- d) ensure that funds are allocated for capacity building and development of children with disabilities;
- e) ensure that legislation for the prevention of abuse and neglect of children with disabilities are enforced and constantly reviewed;
- f) Ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
- g) Ensure that children with disabilities have the right to express their views on all matters affecting them
- h) Ensure the right to development as well as recognition of special needs and care of students with severe Disabilities
- i) Ensure that all NGOs, FBO's and other relevant bodies providing services for persons with disabilities, including students, meet stipulated standards and are registered and monitored by the National Statutory Body which will also be responsible for Persons with Disabilities.

## CHAPTER THREE

### 3. STATEMENT OF THE NATIONAL DISABILITY POLICY

The National Disability Policy recognizes that persons with disabilities are valuable citizens of the country and seeks to create an environment that provides them with equal opportunities *inter alia*, protection of their rights and full participation in society. A basic prerequisite for development is the capacity of society to use its own resources to sustain itself. Yet the majority of persons with disabilities find themselves in a state of underdevelopment due to past and present discrimination in accessing opportunities.

Human resource development (HRD) becomes a key that can be used to break the cycle of poverty and underdevelopment. The development of human resources is central to the success of the employment policy recommendations in 4.2 below.

#### 3.1 POLICY VISION

A Swaziland where Persons With Disabilities have equal opportunities to participate freely as equal partners in society and be empowered to realize their full potential in all spheres of life without discrimination.

#### 3.2 POLICY GOAL

To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by Persons With Disabilities, and to promote respect for their inherent dignity.

#### 3.3 POLICY OBJECTIVES

- i. To improve the socio-economic status of men and women, girls and boys with disabilities.
- ii. To ensure that all persons with disabilities have equal access and opportunities to education and health services at all levels.
- iii. To ensure that all buildings and infrastructure are accessible to persons with disabilities.



- iv. To promote inclusiveness and ensure that all institutions provide services to services to persons with disabilities in the same manner as they provide to the non-disabled except where necessary.

### **3.4 STRATEGIES**

- i. Increasing awareness and advocacy campaigns in communities highlighting the human rights of persons with disabilities, and eliminating discriminatory practices.
- ii. Enactment of legislation that is protective of the rights of Persons With Disabilities and imposing penalties where those rights are violated.
- iii. Advocacy for inclusive education, strengthening special schools, and easy access to tertiary education in all and sensitization of all community decision makers such as members of Youth Organizations, traditional leaders and heads of families.
- iv. Advocacy for the establishment or refurbishment of public buildings such as schools, places of worship, banks, health facilities, so that they become user-friendly for persons with disabilities, and ensuring that public transport is easily accessible to them.
- v. Raise public awareness of the Constitutional rights of Persons With Disabilities, the institutionalization of the UN Standard Rules and the UN Convention on the Rights of Persons with Disabilities.
- vi. Develop a formal and well structured school's curriculum for Persons With Disabilities.
- vii. Ensure capacity building for personnel involved in all spheres catering for all age groups including Para Social Workers, traditional midwives, Assistant Nurses and other community based workers.
- viii. Provide adequate funding for the training and ensure adequate remuneration for specialized personnel and their retention.
- ix. Emphasize on partnerships with the private sector, NGOs and development partners.

- k) Strengthen continued education progress to ensure lifelong learning for persons with disabilities.
- l) Ensure availability of relevant and appropriate curriculum which accommodates the needs of learners with disabilities at every level
- m) Ensure accessibility in terms of infrastructure and learning materials in all institutions of learning.
- n) Formalize relationships in the provision of education to disabled children with the private sector, NGOs and FBOs with clear standards and procedures.
- o) Boarding facilities accommodating disabled persons to have clear funding mechanisms by the private and government sector.
- p) OVC who are disabled to access the Education Bursary Fund and any other social grant or interventions that will improve their welfare in schools.

### **4.5 CHILDREN WITH DISABILITIES:**

#### **Policy Statement**

Children with disabilities are the most vulnerable group and need special attention. In the UN Convention on the Rights of the Child (UNCRC), to which Swaziland is a signatory, Article 2 states that the right of each child should be respected and ensured “without discrimination of any kind”. UNICEF states that “All Rights expressed in the Convention are indivisible and interrelated, each and all of them being inherent to the human dignity of the child”. Yet few, if any, children who have disabilities are generally included in mainstream children's programmes and activities run both by the Government and by NGOs. This National Policy on Disability reaffirms the statements above and will safeguard the rights of each child who has disability to all the rights agreed by Swaziland in the UN Convention.

## Strategies:

Government will therefore-

- a) Undertake a concerted effort to improve identification of students with disabilities through regular surveys and monitoring and evaluation systems, their enrollment in appropriate schools and their continuation till they successfully complete their education and their absorption to the cooperate world;
- b) Ensure the provision of appropriate teaching and learning material, teaching aides and books to students with disabilities at all levels.
- c) Ensure the provision of suitable and sensitized teachers and schools which are accessible and disability compliant.
- d) provide scholarships and education loans to qualifying students with disabilities for pursuing studies at post school level both nationally and internationally
- e) ensure the provision of international scholarships for courses offered locally in the absence of specialized training services in local institutions;
- f) ensure provision for facilities for technical and vocational education designed to inculcate and bolster skill development suited to various types of productive activities;
- g) Encourage private schools not to discriminate against students with disabilities at the admission stage.
- h) ensure that teachers acquire the necessary training, practical skills and expertise, including sign language, to cater the needs of students with disabilities;
- i) encourage NGOs and FBOs to support vocational trainings and provide scholarships for PeopleWith Disabilities ;and
- j) Ensure that Persons With Disabilities will be provided access to the Universities, technical institutions and other institutions of higher learning to pursue higher and professional courses.

## 3.5 SCOPE OF POLICY

This National Policy on Disability takes into account the limitations imposed on Persons with Disabilities in activities of daily living and participation in day to day life situations. It seeks to promote excellence in education, employment, access to health services, sports, cultural and recreational activities for Persons With Disabilities. Furthermore, the Policy purports to alleviate poverty, eradicate discrimination and foster an environment conducive for optimal attainment and realization of rights by Persons With Disabilities inclusive of active participation in the socio-economic development of the country.

## 3. GENERAL PRINCIPLES

- (a) **Respect for inherent dignity;** individual autonomy including the freedom to make one's own choices, and independence of PersonsWith Disabilities;
- (b) **Non-discrimination;** all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit on all grounds
- (c) **Full and effective participation and inclusion in society;** equal rights of all PersonsWith Disabilities to live in the community with choices equal to others and in full enjoyment of their right to participation.
- (d) **Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;** every person has the right to respect for his or her physical and mental integrity on an equal basis with others
- (e) **Equality of opportunity;** all persons are equal and are entitled to equal economic, social, cultural opportunities in all spheres of life.
- (f) **Accessibility;** PersonsWith Disabilities to live independently and participate fully in all aspects of life on equal basis with others
- (g) **Gender Equality;** fairness and justice as well as equal treatment, equal access to social services and equal pay for work of equal value.

**(h) Respect for children with disabilities;** the evolving capacities of children with disabilities and respect for the rights to preserve their identities.

Government will ensure that Persons With Disabilities who live below the poverty line will be included in-

- (i) All poverty alleviation programmes implemented for the economic, social and political empowerment of the poor;
- (ii) Income generation programmes including savings, skills training, entrepreneurship training, micro-credit and extensions and marketing programmes implemented for those with no income or low income;
- (iii) Social safety net and social welfare programmes.
- iv) Guidelines will be developed on how Persons With Disabilities will access funds in various development schemes including the assessment criteria to qualify for support.
- v) Ensure that Persons With Disabilities have a right to form associations for development or groupings and these will not be discriminatory.

#### **4.4 SCHOOL EDUCATION:**

##### **Policy Statement**

Education is the most effective vehicle of social and economic empowerment – it is the silver bullet that can transform the life of the individual, the family, the community and the country. In keeping with the letter and spirit of Section 29 of the Constitution of the Kingdom of Swaziland guaranteeing free primary education as a fundamental right and Section 30 mandating the Government and society to take appropriate measures to ensure that persons with disabilities “realize their full mental and physical potential”, free education must be provided in all public schools, including Government owned special schools, at least up to the end of primary school to all children with or without disabilities.

Government will take measures to integrate inclusive education programmes for persons with disabilities into mainstream education. Government will also provide infrastructure for rehabilitation for those who cannot be integrated.



- e) To ensure that Vocational Training Institutions and Skills Development provide quality and relevant programmes, Instructors will be equipped to meet special needs of persons with disabilities.
- f) The recognition of the employability of persons with disabilities will be promoted by, for instance, employing those with suitable skills, aptitudes and qualifications as training instructors and in other staff positions.
- g) Vocational training institutions, which at present provide training exclusively to persons with disability will be suitably adapted and developed to accommodate individuals who have special needs resulting from severe disability, and cannot be included in mainstream institutions.
- h) Formalize the curriculum for vocational training and ensure its periodic review to align with international norms and practices.
- i) There will be more Vocational Rehabilitation Centres (VRCs) established in the rural areas and all VRCs will be monitored and evaluated by the relevant Ministry.
- j) Ensure proper grading and certification of vocational training such that it is acceptable in the labour market.

### 4.3 POVERTY ALLEVIATION:

#### Policy Statement

Poverty alleviation is not only a matter of increasing and sustaining income levels. Just as much as employment whether formal or informal is essential for economic reasons, it is also an economic right which protects and promotes the dignity and self-esteem of individuals. Together with an income adequate to meet the daily needs of an individual and that of his/her family, among other factors that are essential for the alleviation of poverty are education, adequate health care and nutrition, and housing. The rights of individuals to these services and programmes have been included elsewhere in this policy.

## CHAPTER FOUR

### 4 SECTORAL POLICIES AND STRATEGIES

#### 4.1 EMPLOYMENT

##### Policy Statement

The economic rehabilitation of Persons With Disabilities comprise of both wage employment in the formal sector and self-employment. The Policy will ensure persons with disability, both male and female enjoy their right of to work and be free from discrimination in the labour market. They will have a free choice of employment in both the public and private sectors.

##### Strategies:

- a) Persons With Disabilities shall not be discriminated against in employment and in employment support services. They will have equal opportunity in employment placement services, including recruitment agencies, for both wage and self employment in the formal and informal sectors.
- b) Employers will adopt a strategy for managing disability issues in the workplace as an integral part of their overall institutional policy and one which contributes to business success. The strategy will be linked to employee assistance programmes.
- c) Considering expected rapid growth of employment opportunities in service sector (and others that may emerge), persons with disabilities will be encouraged and assisted to undertake skills training suitable to the market requirement.
- d) The employers' strategy will ensure that persons with disabilities are treated equally with non-disabled workers in terms of conditions of work, remuneration, continuing training and life-long learning and other benefits in kind such as transport and housing;
- e) Government shall ensure that employers consider reasonable accommodation principles and sheltered workshops for Persons With Disabilities;

- f) In considering certain applicants for jobs, employers will make necessary adjustments and adaptations to the workstation and facilitate communication and accessibility in the workplace and work area to enable persons with disabilities to carry out the job using all their ability so that output will be maximized;
- g) Where employers are not immediately able to employ a Person With Disabilities, they should consider providing work-based experience to jobseekers that have disability. This will enable the latter to acquire the skills, knowledge and work attitude required for a specific job in the workplace. Such work place experience can help make the jobseeker's skills more relevant to the employer's requirements when the time comes for employment;
- h) In situations where workers with disabilities may not be able to leave their home and come to places of work. Employers will consider the possibility of suitable work for contracting, selecting tasks that will be beneficial to both the worker and employer; (note that it should be included in the legislation). In the event employers are not able to provide a working environment that is conducive for Persons With Disabilities the employee should be allowed to work from home.
- i) Employers will seek to co-operate with available counseling and guidance services in matching Persons With Disabilities to jobs suited to their ability and qualification.
- j) The recognition of the employability of Persons With Disabilities will be promoted by, for instance, employing those with suitable skills, aptitudes and qualifications to managerial and technical positions;
- k) Disability issues will be included as a module in various educational and awareness programmes in the work place so able bodied workers may be more willing to accept fellow-workers who have disability;
- l) Recruitment processes will encourage applications from as many qualified persons with disabilities as possible;

- m) Considering slow pace of growth will be promoted. Programmes and Projects which facilitate and support self-employment including entrepreneurship training, micro-credit and extension and marketing programmes, will include a reasonable proportion of Persons With Disabilities.

## **4.2 VOCATIONAL TRAINING AND SKILLS DEVELOPMENT:**

### **Policy Statement**

Possession of vocational skills increases significantly an individual's chance of earning an adequate income, whether it be in wage or self-employment, in the formal or informal sectors. Young persons and adults with disabilities, both male and female, shall not be discriminated against in mainstream Vocational Training and Skills Development Programmes.

### **Strategies:**

The following strategies will ensure equal opportunity in mainstream vocational training and skills development:

- a) Disability will not be a barrier to vocational training and skills development provided that applicants and trainees fulfill the required entry criteria and conditions.
- b) Available vocational counseling and guidance services will advise applicants with disabilities, should they so wish, on the suitability of this choice of vocational training and skills development and future mode of livelihood.
- c) In selecting applicants for vocational training and skills development, consideration will be given to the abilities of the individual to undertake training in the particular skill of his/her choice rather than his/her disability;
- d) Available placement and employment support services for both wage and self-employment, including Entrepreneurship Training, will be accessible to persons with disabilities.