



Republic of Namibia
Annotated Statutes

National Disability Council Act 26 of 2004

(GG 3360)

brought into force on 30 October 2009 by GN 2011/2009 (GG 4371)

as amended by

State-owned Enterprises Governance Act 2 of 2006 (GG 3698)

brought into force on 1 November 2006 by Proc. 13/2006 (GG 3733);

amended and re-named as Public Enterprises Governance Act by Act 8 of 2015 (GG 5835);

repealed by Public Enterprises Governance Act 1 of 2019 (GG 6907)

ACT

To establish a National Disability Council; to provide for the functions, powers and composition of the Council; and to provide for matters incidental thereto.

(Signed by the President on 19 December 2004)

ARRANGEMENT OF SECTIONS

Section

1. Definitions
2. Establishment of Council
3. Functions of Council
4. Powers of Council
5. Composition of Council
6. Disqualification for appointment as member of Council
7. Tenure of office of members
8. Vacation of office and filling of vacancies
9. Meetings of Council
10. Remuneration and allowances
11. Rules
12. Committees
13. Director and other staff
14. Delegation of powers and assignment of functions
15. Council may gather information

National Disability Council Act 26 of 2004

16. Provision of information and raising of awareness
17. Annual report of Government ministries
18. Funds of Council
19. Financial year
20. Accounting and auditing
21. Annual report of Council
22. Offences and penalties
23. Regulations
24. Short title and commencement

SCHEDULE

BE IT ENACTED by the Parliament of the Republic of Namibia as, follows:-

[The comma after the word “as” is misplaced.]

Definitions

1. In this Act, unless the context indicates otherwise -

“chairperson” means the chairperson of the Council;

“committee” means a committee of the Council, established under section 12;

“Council” means the National Disability Council of Namibia established by section 2;

“disability” means a physical, mental or sensory impairment that alone, or in combination with social or environmental barriers, affects the ability of the person concerned to take part in educational, vocational, or recreational activities;

“Minister” means the Minister responsible for rehabilitation;

“National Policy on Disability” means the National Policy on Disability adopted by the National Assembly in July, 1997 and set out in the Schedule;

“organisation of persons with disabilities” means an organisation that promote the interests of disabled persons and of which a majority of its members are persons with disabilities or if the organisation is a federal organisation, of which the majority of its members are organisations of persons with disabilities;

[The verb “promote” should be “promotes” to be grammatically correct.]

“this Act” includes regulations made under section 23.

Establishment of Council

2. A juristic person to be known as the National Disability Council is hereby established.

Functions of Council

3. (1) The functions of the Council are to -

National Disability Council Act 26 of 2004

- (a) monitor the implementation of the National Policy on Disability in the manner provided in this Act;
- (b) identify provisions in any law, which may hinder the implementation of the National Policy on Disability and make recommendations in that regard;
- (c) advise any person responsible for the enforcement of existing legislation which provides for equal opportunities for all people in Namibia on the enforcement of that legislation;
- (d) comment on proposed legislation which may affect persons with disabilities in any manner;
- (e) consult with persons with disabilities, organisations of persons with disabilities and organisations rendering services to persons with disabilities, and take any other steps in order to obtain necessary information on the implementation of the National Policy on Disability;
- (f) initiate amendments to the National Policy on Disability in order to ensure that it takes account of changing circumstances; and
- (g) in general take all necessary steps in order to improve the situation of persons with disabilities in Namibia.

(2) If the Council considers it desirable to amend the National Policy on Disability, it may make a recommendation to Cabinet for the amendment thereof.

(3) Cabinet may accept or reject any recommendation made under subsection (2), or may refer it back to the Council for reformulation.

(4) If Cabinet accepts a recommendation to amend the National Policy on Disability, such amendment must be made by the Minister by notice in the *Gazette*.

Powers of Council

4. (1) In order to perform its functions, the Council has, in addition to any power granted to it elsewhere in this Act, the following powers:

- (a) To institute and defend legal proceedings in its own name;

[The word “to” at the beginning of paragraph (a) should not be capitalised.]

- (b) to own property and deal with such property;
- (c) to make representations on behalf of any person with a disability before any organ of the state, or provide or procure legal assistance for any persons with disabilities, if the matter in question relates to the rights of, or the integration of persons with disabilities in society;
- (d) to recommend to Cabinet the taking of necessary steps in order to facilitate compliance with the National Policy on Disability;
- (e) to recommend the amendment of any law; and

National Disability Council Act 26 of 2004

- (f) where any Government ministry fails to submit an annual report to it in terms of section 17(1), to demand the submission of that report to it within a period specified in that demand.

(2) Cabinet must, within six months from the date of receipt of the recommendation referred to in subsection (1)(d), inform the Council whether or not it accepts the recommendation.

Composition of Council

5. (1) The Council shall be constituted, and its members, including the chairperson and the vice-chairperson of the Council, shall be appointed in accordance with, and for a period as determined under, section 14 and 15 of the Public Enterprises Governance Act, 2006, but the membership of the Council must include -

- (a) Seven members nominated by organisations of persons with disabilities which is in the opinion of the Minister representative of as many kinds of disabilities as possible;

[The word “seven” should not be capitalised.]

- (b) one member representing employers in the private sector;
- (c) three members who are staff members as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995), and chosen from persons whose duties relate to rehabilitation, integration or education of persons with disabilities;
- (d) one member representing trade unions in Namibia; and
- (e) one member who has special knowledge of, or interest in, disability or any issue relating to disability.

[Subsection (1) is amended by Act 2 of 2006, as amended by Act 8 of 2015. The Public Enterprises Governance Act referred to is Act 2 of 2006, which has been replaced by the Public Enterprises Governance Act 1 of 2019.]

- (2) A majority of the members of the Council must be persons with disabilities.

(3) Whenever an appointment under subsection (1)(a) is required to be made, the Minister must request organisations of persons with disabilities to nominate within a specified period, being at least 60 days, suitable persons to be appointed as members of the Council.

- (4) The Minister must cause the invitation referred to in subsection (3) to be -
- (a) published in at least two newspapers circulating in Namibia;
- (b) broadcast on radio on such stations as the Minister may think fit; and
- (c) sent by way of written notice to such organisations of persons with disabilities as he or she is aware of.

(5) If the Minister does not receive a nomination within the period requested, the Minister may appoint any suitable person to be a member of the Council, and any person appointed under this subsection holds office as if nominated in accordance with subsection (3).

National Disability Council Act 26 of 2004

(6) The Minister must, as soon as possible after the appointment of members of the Council, give notice in the *Gazette* of the names and date of appointment of the members and, in the case of a member appointed to fill a casual vacancy, the period for which he or she is appointed.

Disqualification for appointment as member of Council

6. A person does not qualify for appointment as a member of the Council if he or she -
- (a) is an unrehabilitated insolvent;
 - (b) is not a Namibian citizen or a holder of a permanent residence permit;
 - (c) has under any law been declared to be of unsound mind;
 - (d) has during the period of ten years immediately preceding the date of commencement of this Act, or at any time after that date, been convicted of a criminal offence and sentenced to imprisonment without the option of a fine.

Tenure of office of members

7. (1)

[subsection (1) deleted by Act 2 of 2006]

(2) A member of the Council who is appointed to fill a casual vacancy, is appointed for the unexpired portion of the term of office of the member in whose place he or she is appointed.

Vacation of office and filling of vacancies

8. (1) Notwithstanding section 7, a member of the Council vacates his or her office if he or she -

- (a) becomes subject to a disqualification referred to in section 6;
- (b) is absent from three consecutive meetings of the Council without the permission of the Council;
- (c) resigns his or her office by written notice to the Minister; or
- (d) is removed from office by the Minister under subsection (2).

(2) The Minister may, by notice in writing, remove a member of the Council from office if the Minister, after giving the member concerned a reasonable opportunity to be heard, is satisfied that such member is for any good reason unable or unfit to discharge the functions of a member or to represent the interests which he or she is required to represent.

(3) If a member of the Council dies, or his or her office becomes vacant in terms of subsection (1), the Minister must, with due regard to section 5(1), and in the case of a member referred to in section 5(1)(a), with due regard to section 5(3) as well, appoint a person to fill the vacancy for the unexpired portion of the term of office of the member in whose stead he or she is appointed.

Meetings of Council

National Disability Council Act 26 of 2004

9. (1) The Council must hold its first meeting within one month from the place as the Minister may determine, and thereafter, the Council shall hold its meetings on such date and at such times and places as the Council may determine, but the Council shall hold at least two meetings every year.

(2) If the Council does not determine the date, time and place for its next meeting, the chairperson must determine the date, time and place.

(3) The Council must, at its first meeting, elect from amongst its members a chairperson and a vice-chairperson, who shall hold office for one year.

(4) Either the chairperson or the vice-chairperson must be a person with a disability.

(5) The chairperson must convene a special meeting of the Council -

(a) when the Minister in writing requests him or her to do so; or

(b) when at least six members, in writing, request him or her to do so.

(6) If the chairperson receives a request referred to in subsection (5), he or she must convene such meeting to be held within 14 days after the date on which he or she has received the request.

(7) The chairperson, or in his or her absence, the vice-chairperson, or in the absence of both the chairperson and the vice-chairperson, such member of the Council as the members present may elect, must preside at a meeting of the Council.

(8) A majority of the members of the Council constitutes a quorum at a meeting of the Council.

(9) A decision of a majority of the members of the Council present at a meeting of the Council is the decision of the Council and, in the event of an equality of votes, the person presiding at that meeting has a casting vote in addition to his or her deliberative vote.

(10) The Council may invite any person to attend its meetings and to take part in the deliberations of the Council, but that person has no vote.

(11) A decision of the Council is not rendered invalid by reason only of a vacancy on the Council or of the fact that a person who is not entitled to sit as a member of the Council sits as such a member when the decision is taken, if the decision is taken by the requisite majority of the members present at the time and entitled to vote.

(12) The person presiding at a meeting of the Council or a committee must cause a record to be kept of the proceedings of its meetings, and must cause that record to be submitted to the Minister as soon as possible after a meeting of the Council.

Remuneration and allowances

10. (1) There must be paid to a member of the Council or of a committee, who is not in the full-time employ of the State, in respect of his or her services as a member of the Council or of any such committee, out of the funds of the Council, such remuneration or allowances as the Council, with the approval of the Minister and the Minister responsible for finance, may determine.

National Disability Council Act 26 of 2004

(2) Different allowances may be determined under subsection (1) according to the different offices held by the persons concerned or the work performed by them.

(3) The Council may, with the approval of the Minister, reimburse a member of the Council and of a committee for expenses reasonably incurred by him or her while travelling to, or attending, a meeting of the Council or of a committee, or while performing any work of the Council or of a committee and allowed by the Council.

Rules

11. The Council may, with the approval of the Minister, make rules relating to -
- (a) the good administration of the affairs of the Council and the effective execution of its functions;
 - (b) the appointment of the staff of the Council, other than the director;
 - (c) the conditions of service of the staff of the Council, other than the director; and
 - (d) the supervision of the staff of the Council, other than the director, and the disciplinary measures and disciplinary procedures applicable to them.

Committees

12. (1) The Council may establish such committees as it may consider necessary to assist the Council in the exercise of such of its powers or the performance of such of its functions under this Act as the Council may delegate or assign to it under section 14.

(2) The Council may appoint as a member of a committee any person who is not a member of the Council, but at least one member of the committee must be a member of the Council.

(3) The Council may appoint one member of a committee as the chairperson of that committee.

(4) The chairperson of a committee or, in his or her absence, such member of the committee as the members present may elect must preside at a meeting of the committee.

(5) A majority of the members of a committee constitutes a quorum at a meeting of a committee.

(6) A decision of a majority of the members of a committee present at a meeting of a committee is the decision of the committee and, in the event of an equality of votes, the person presiding at that meeting has a casting vote in addition to his or her deliberative vote.

(7) Subject to subsection (5), a decision of a committee is not rendered invalid by reason only of a vacancy on the committee or of the fact that a person who is not entitled to sit as a member of the committee sits as such a member when the decision is taken, if such decision is taken by the requisite majority of the members present at the time and entitled to vote.

(8) The person presiding at a meeting of a committee must cause a record to be kept of the proceedings of its meetings, and must cause that record to be submitted to the Council as soon as possible after a meeting of the committee.

National Disability Council Act 26 of 2004

Director and other staff

13. (1) The Council must, with the approval of the Minister, appoint on such terms and conditions as it, with the approval of the Minister and the Minister responsible for finance, may determine.

- (2) The director is the chief executive officer of the Council and -
- (a) is responsible for the day-to-day administration of the affairs of the Council, subject to the directions of, and in accordance with the rules and procedures determined by the Council;
 - (b) must supervise the staff of the Council, and exercise disciplinary power over such staff in accordance with the rules made by the Council;
 - (c) is the accounting officer of the Council charged with accounting of moneys received and payments made by the Council;
 - (d) must exercise such powers and perform such other duties and functions as the Council may delegate or assign to him or her.

(3) The Council may, on the recommendation of the director and subject to the rules made by the Council with the approval of the Minister, appoint such other staff as it may consider necessary to assist the Council in the performance of its functions.

Delegation of powers and assignment of functions

- 14.** (1) The Council may, in writing -
- (a) delegate a power conferred upon it by or under this Act to the director, a committee or a member of staff of the Council; or
 - (b) assign the performance of a function entrusted to it by or under this Act to the director, a committee or a member of staff of the Council.

(2) The director may, in writing -

- (a) delegate a power conferred upon him or her by or under this Act to a member of staff of the Council; or
- (b) assign the performance of a function entrusted to him or her by or under this Act to a member of staff of the Council.

(3) The Council or the director may make the delegation or the assignment under subsection (1) or (2) subject to such conditions and restrictions as the Council or the director may determine, and the Council or the director may withdraw or amend the delegation or the assignment.

(4) The Council or the director is not divested of a power or a function delegated or assigned by the Council or the director under subsection (1) or (2), and may amend or withdraw a decision made in the exercise of the delegated powers or in the performance of the assigned functions.

Council may gather information

National Disability Council Act 26 of 2004

15. (1) In order to better perform its functions, the Council may gather information regarding -

- (a) persons with disabilities in Namibia, the type and severity of their disability, their needs, the extent to which they are integrated into society and methods by which they can be better integrated into society;
- (b) organisations of persons with disabilities and organisations rendering services to persons with disabilities and the type of services rendered by those organisations;
- (c) persons with disabilities in respect of or to whom services are rendered by the organisations referred to in paragraph (b);
- (d) such financial information as the Council may require to assess the financial position of the organisations referred to in paragraph (c) and the financial control and management of those organisations;
- (e) the sources of funding of the organisations referred to in paragraph (c);
- (f) the services rendered by the Government to persons with disabilities and the Government policies and plans regarding persons with disabilities; and
- (g) any information that the Council may require in order to perform any function or exercise any power under this Act.

(2) In order to obtain the information referred to in subsection (1), the Council may hold hearings that may be open to the public, which may be held on such date and at such times and places as the Council may determine.

(3) The Council must give at least 14 days' written notice of a hearing referred to in subsection (2) to the members of the public.

(4) For the purposes of subsection (2), the Council may, in writing, summon any person who, in the opinion of the Council, is able to furnish information material to the hearing referred to in subsection (2), or who the Council has reason to believe has in his or her possession or custody or under his or her control any book, document or record relating to the subject of the hearing, to appear on the date and at a time and place specified in the summons to be examined or to produce that book, document or record, and may retain for examination any book, document or record produced.

(5) A summons referred to in subsection (4) must -

- (a) be issued under the hand of the chairperson;
- (b) state the name of the person required to appear before the Council, the date on which, and the time and place at which, he or she is required to appear and also state the description of the book, document or record, if any, which that person is required to produce at the hearing referred to in subsection (1).

(6) The chairperson must cause the summons referred to in subsection (4), to be served by a person authorised by the Council, by delivering a copy of the summons -

- (a) to the person summoned in person; or

National Disability Council Act 26 of 2004

- (b) at his or her usual or last known place of residence or place of employment to a person apparently over the age of 16 years and apparently residing or employed there.

(7) A return by the person who served the summons that service of the summons has been effected in terms of subsection (6) is *prima facie* proof of the service.

(8) The Council may, through its chairperson, administer an oath to, or accept a solemn affirmation from, any person at the hearing, and examine him or her, or instruct him or her to produce any book, document or record in his or her possession or custody or under his or her control.

(9) In conducting a hearing, the Council -

- (a) is not bound by the strict rules of the law of evidence and it may ascertain, subject to the principles of natural justice and fairness, a relevant fact in such manner as it may consider fit; and

(b) may admit in evidence a matter which is reasonably of probative value.

(10) Evidence to prove or disprove a fact in issue may be submitted to the Council in writing or orally.

(11) A person who, having been summonsed under subsection (4) to appear before the Council at a hearing and to testify or to produce a book, document, record or other evidence relevant to the hearing, without reasonable cause -

(a) fails or refuses to appear before the Council at the specified date, time and place;

(b) having appeared before the Council, refuses to answer truthfully and to the best of his or her knowledge any question put to him or her;

(c) makes a false statement or representation to the Council; or

(d) refuses or fails to produce or surrender to the Council a book, document, record, or other evidence in his or her possession,

commits an offence and is, on conviction, liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years or to both that fine and imprisonment.

(12) The failure of a person summonsed under subsection (4) to attend a hearing referred to in that subsection does not invalidate the proceedings of the hearing.

(13) The Council must keep or cause to be kept a written record of the proceedings at that hearing and of all the evidence given.

Provision of information and raising of awareness

16. (1) The Council may distribute information relating to an issue on disability to a person, organisation or to the public at large if -

- (a) all persons having an interest in that information have agreed to its distribution or the Council reasonably believes that no person will object to the distribution;

National Disability Council Act 26 of 2004

- (b) the information has been obtained from the Government and its distribution is not prohibited by any law; or
- (c) the information is of statistical or general nature.

(2) Nothing contained in subsection (1) is construed as permitting any action that might infringe upon the right of privacy of a person contemplated in Article 13(1) of the Namibian Constitution.

(3) The Council may run programmes or conduct campaigns to inform the public to raise the awareness of the public concerning an issue relating to disability.

Annual report of Government ministries

17. (1) Every Permanent Secretary of a Government ministry must, within 90 days after the end of each financial year, submit or cause to be submitted to the Council a report on the implementation of the National Policy on Disability in the ministry of which he or she is Permanent Secretary.

(2) The Council must keep at its head office a copy of every report of a Government ministry on the implementation of the National Policy on Disability open for public inspection at the Council's head office.

Funds of Council

18. The funds of the Council consist of -
- (a) such moneys as may be appropriated by Parliament for the purpose;
 - (b) grants, donations or bequests received by the Council with the approval of the Minister;
 - (c) loans which have been raised with the approval of the Minister and the Minister responsible for finance;
 - (d) the income accruing from an investment of funds of the Council; and
 - (e) such other moneys or assets as may vest in or accrue to the Council, whether in the course of its operations or otherwise.

Financial year

19. The financial year of the Council commences on 1 April and ends on 31 March of the ensuing year.

Accounting and auditing

20. (1) The Council must keep proper accounts and records of all moneys received or expended by it and of all its activities during the preceding financial year.

(2) The Council must prepare a statement of accounts in respect of each financial year.

(3) A person registered as an auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951) and appointed by the Council with the prior written consent of the Auditor-General must annually audit the accounts and records of the Council.

Annual report of Council

21. (1) The Council must, as soon as possible, but not later than three months after the end of each financial year, prepare or cause to be prepared and submitted to the Minister -

- (a) audited financial statements of the Council and a report of the auditor on those statements;
- (b) an annual report of the Council that -
 - (i) contains all the reports of the Ministries referred to in section 17, together with the Council's comments thereon;
 - (ii) contains a report on the activities of the Council during the year concerned;
 - (iii) contains a report on any matter relating to persons with disabilities in Namibia.

(2) The audited financial statements referred to in subsection (1)(a) must contain -

- (a) detailed particulars of moneys received by the Council and expenditure incurred by the Council during, and assets and liabilities at the end of, the financial year in question; and
- (b) such additional particulars as the Minister may determine.

(3) The Minister must lay the report referred to in subsection (1) upon the Table in the National Assembly within 28 days after receipt of the report, if the National Assembly is then in ordinary session or, if the National Assembly is not in ordinary session, within 28 days after the commencement of its next ordinary session.

Offences and penalties

22. A person who -

- (a) in any manner discriminates against a person who testifies, assists, or participates in a hearing under section 15(1);
- (b) obstructs the Council in the performance of its functions under section 15; or
- (c) makes a false statement in the report referred to in section 17,

commits an offence and is, on conviction, liable to a fine not exceeding N\$16 000 or to imprisonment for a period not exceeding 4 years, or to both the fine and imprisonment.

Regulations

23. The Minister may, on the recommendation of the Council, make regulations -

- (a) prescribing the procedure to be followed at meetings of the Council;
- (b) prescribing the manner in which the Council must account for its funds and any matter relating to such accounts;

National Disability Council Act 26 of 2004

- (c) prescribing the manner in which the budget of the Council must be prepared;
- (d) prescribing the manner in which the Council may incur expenditure and the manner in which staff members of the Council may make or authorise withdrawals from the funds of the Council;
- (e) prescribing any procedural matter relating to hearings of the Council held under section 15(2);
- (f) prescribing any matter which is necessary or expedient to prescribe in order to achieve the purposes of this Act.

Short title and commencement

24. This Act is called the National Disability Council Act, 2004, and comes into operation on a date to be determined by the Minister by notice in the *Gazette*.

**SCHEDULE
NATIONAL POLICY ON DISABILITY**

[This Schedule has been reproduced exactly as it appears in the *Government Gazette*, with respect to capitalisation, punctuation, ellipses, italics, underlining and boldface.]

1. INTRODUCTION**1.1 Definitions**

The importance of definitions is more than a matter of semantics since they can influence the way in which persons with disabilities are viewed by society and by themselves. They also influence the type of provision made to meet the needs of persons with disability.

There are a number of definitions of disability and of persons with disabilities. The most widely used is **the medical model**. However, organisations of and for disabled people are increasingly adapting **a social model**. The World Health Organisation uses the following definitions: **Impairment** - is a functional limitation within the individual caused by physical, mental or sensory impairment. **Disability** - is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical or social barriers.

[The word “adapting” should be “adopting”.]

The social context in which people, both disabled and non-disabled, interact is excluded if disability is viewed only pathologically. Then, the “solution” to disability is to cure disabled people and this task would almost certainly be given to the medical profession. However, if disability is perceived as a social phenomenon, legislators, architects and others who determine the shape of our built environment have a crucial role to play.

In implementing this policy, it is the social model that is more relevant to the lives of disabled people, although their medical needs should not be overlooked.

1.2 Disability As A Human Rights And Development Issue

In the past, disability was regarded as an issue with the responsibility of “caring” for disabled people falling on the family. Intervention was channelled through welfare institutions with little or no commitment to addressing disability in other areas of government responsibility, for

example, access to health care, education, training, employment, service delivery, sport and recreation and public transport. The dependency which this welfare model created disempowered disabled people, isolated and marginalised them from the mainstream of society.

In contrast, a human rights and development approach to disability would face a better chance of creating equal opportunities. This is the process through which the various systems of society and the environment are made available and accessible to all citizens.

As part of the process of equal opportunities, provision should be made to assist them to assume a more complete responsibility as members of society. They should receive the support they need within the ordinary structures of society in areas such as education, health, employment and social services

The principle of equal rights implies that the needs of each and every individual are of equal importance, and that those needs must be made the basis when planning and making policies. Furthermore, all resources must be employed in such a way as to ensure that every individual has equal opportunity for participation.

1.3 Declarations Of The United Nations

The Government of the Republic of Namibia accepts the principles of participation, integration and equalisation of opportunities, defined by the United Nations in the World Programme of Action Concerning Disabled Persons and The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. These principles shall serve as leading guidelines and also form the basis for the implementation of the National Policy on Disability. These principles are also stated in the Declaration on the Year of Disabled Persons (1981). The National Policy shall also represent the policy referred to in Article 2 of ILO Convention No. 159 on the Vocational Rehabilitation and Employment of Disabled Persons.

The Government further accepts the principles incorporated within the following declarations which proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged: Universal Declaration of Human Rights, the International Covenants of Human Rights, the Declaration of the Rights of the Child, the Declaration on the rights of Mentally Retarded Persons, and the Declaration on Social Progress and Development.

[Namibia subsequently ratified both the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 4 December 2007. The Convention and the Optional Protocol both came into force internationally on 3 May 2008.]

2. AN INTEGRATED NATIONAL DISABILITY POLICY

2.1 The Vision

The Government of the Republic of Namibia dedicates itself to strive for the creation of a “Society for All” based on the principles of the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. The Government declares to commit itself to the principles and policies outlined in this document

The concept of a society for all, encompassing human diversity and the development of all human potential, can be said to embody, in a single phrase, the human rights instruments of the United Nations.

In a society for all, the needs of all its citizens constitute the basis for planning and policy making. The general systems and institutions of society should be made accessible to all its

citizens. By accommodating the needs of all its citizens in its structures and functions, a society mobilises all their potential into strengthening its development.

The ultimate goal in development is an inclusive *Society For All* which recognises and values individual differences and acknowledges common humanity and equality. The low level of understanding of disability issues, and the exclusion of persons with disabilities from the development process, necessitates the need to develop programmes focusing specifically on disability. These programmes would help to raise awareness, change attitudes, promote equal opportunities, and find creative and practical means of adapting society to meet the needs of all its citizens including those who are disabled. Moreover people with disabilities are a natural and integral part of society and in the interest of society as a whole, should have equal opportunities to contribute their experience, talents and capabilities to national and international development.

Nation-building towards a *Society For All* where all citizens can participate in a single economy can only take place if persons with disabilities are included in the development process.

This is strengthened by the Constitution of Namibia which clearly outlines the fundamental human rights and freedoms due to all Namibian citizens. Concomitantly, Article 10 on Equality and Freedom from Discrimination states that, “*all persons shall be equal before the law*” and that “*no person may be discriminated against on the grounds of sex, race, colour, ethnic origin, creed or social or economic status*”.

2.2 The Mission

The mission is **to improve the quality of life through enhancing the dignity, well-being and empowerment of persons with disabilities**. This shall be done by enabling them to achieve the essentials of life that is, equality, full participation, independence and self-determination through ensuring the following prerequisites: recognition of rights, prevention of causes, rehabilitation, support and universal accessibility.

2.3 Development Objective

The objective is to achieve a full social integration of disabled people in society. This will be achieved by, *inter alia*, providing and making accessible the following areas: rehabilitation services, education, training and employment as well as making changes in the environment to enable disabled people to lead more independent and meaningful lives.

2.4 General Principles

The Government will give priority to enable disabled people to take charge of their lives by removing barriers to full participation in all areas thus enabling them to reach a quality of life equal to that of their fellow citizens. This will be achieved by the “**equalisation of opportunities**” through which the various systems of society and the environment, such as, services, activities, information and documentation are made accessible to all, and in particular to persons with disabilities. Furthermore, there should be direct participation by disabled people in the planning, implementation and evaluation of activities affecting them.

To reach a society for all an ongoing and dynamic process of mutual adaptation will be necessary. It involves on the one hand persons with disabilities living according to their own wishes, choices and abilities and on the other hand, society demonstrating its support by taking specific and appropriate steps to ensure equalisation of opportunities.

Moreover, persons with disabilities do not form a uniform group of people all needing the same assistance. Therefore, definitions and classifications should not have the effect of separating or

excluding them from society, but point to their individual needs and to ways in which they can gain access to, for example, services to enable them to fully participate in society.

When implementing the disability policy the Government will follow the basic guiding principle of **integration**. All services and programmes shall aim at integrating disabled persons into existing social and economic structures rather than segregating them into parallel environments.

Therefore, a coherent and comprehensive policy on disability should aim at the following:

- to prevent or reduce the occurrence of physical, intellectual, psychical or sensory impairments and permanent functional limitation or disability;
- to assist and support persons with disabilities to reach and maintain their optimal human potential;
- to make the various systems of society and the environment, such as services, activities, information and documentation available and accessible to all citizens in formats they can understand, for example, Braille for blind people and sign language for deaf people who use this form of communication.

2.5 Special Target Groups

2.5.1 Women with Disabilities

In many areas women have been discriminated against and subjected to cultural, social and economic disadvantages. This as a result has impeded their access to, for example, education, training and employment. The state shall ensure that disabled women have equal opportunities to participate in all aspects of life equal to that of their fellow citizens.

2.5.2 Children with Disabilities

Parents of children with disabilities shall be provided with information about services available so that they can make informed decisions about the needs of their children in cases where these children cannot do so themselves.

Early intervention, such as early stimulation and education shall be provided to children as early as possible in order to prevent developmental disabilities.

The state shall ensure that children with disabilities have equal opportunities and equal access to education, sports and recreation and all other services in the community such as health care. Boys and girls shall have equal rights.

2.5.3 Elderly People with Disabilities

The state shall develop a national strategy to ensure that elderly persons with disabilities do not fall out of society, but remain integrated and are given the rehabilitation and support to enable them to continue participating within their communities.

2.5.4 Disabled People Living in Rural Areas

The state shall ensure that people with disabilities in rural areas are part of the national development programmes. The Community Based Rehabilitation (CBR) programme will inter alia address issues of persons with disabilities and their families living in rural and urban areas. Emphasis will be made on the rehabilitation and reintegration of disabled ex-combatants.

3. KEY AREAS

The Government will pursue a coherent, global and comprehensive policy in co-operation with disabled persons and the organisations of and for them. This policy is aimed at all areas in society, but the following key areas need special attention in achieving a “Society For All” and an “Equalisation of Opportunities”.

3.1 Raising Awareness

The state will design and promote programmes for raising awareness and changing public attitudes towards persons with disabilities. These will entail, *inter alia*, their needs, rights, potential and contribution in society.

3.2 Prevention, Early Intervention and Health Education

The prevention of disability and the provision of rehabilitation are seen as part of a comprehensive integrated health care system. The Government shall ensure that the prevention of disabilities as well as the specific needs of persons with disabilities are considered at all levels of the health care system. Furthermore, all its citizens including persons with disabilities, are to be provided with effective and equal medical care based on their individual needs.

The state will design, develop and strengthen early intervention programmes to prevent impairments and disabilities. These will include *inter alia* improvements in primary health care, immunisation activities, hygiene, nutrition and occupational health and safety.

Health education shall aim at educating people about health and social issues as well as helping people to develop the ability to make informed decisions about their own health. It shall include information about institutions which can offer support to persons with disabilities.

3.3 Treatment, Therapeutic Aids and Orthopaedic Technical Services

The state shall ensure the development and supply of support services, including assistive devices for disabled people in order to minimise the consequences of the disability and to increase their level of independence.

All persons with disabilities shall have full access to rehabilitation, therapeutic aids and orthopaedic technical services within their communities as part of a Community-Based Rehabilitation programme. Their families, where possible, will be informed and involved in these rehabilitation programmes.

The medical rehabilitation programme shall include the provision and supply of appropriate prostheses, orthoses and technical aids.

3.4 Environmental Accessibility

The state shall develop mandatory standards and guidelines to make the physical environment accessible to all disabled people. This will include all public buildings and facilities, for example, transport, telecommunication, sport and recreation facilities.

The state shall ensure that architects, construction engineers and others who are professionally involved in the design and construction of the physical environment, have access to the disability policy and the requirements for making places accessible to disabled people.

3.4.1 Access to Information

The state shall ensure that persons with disabilities and, where necessary, their families and/or other persons who may be entrusted, have access to full information on: their rights, diagnosis, medical records, and available services and programmes pertaining to their disability as well as those services which are generally available to the general public.

The state shall develop strategies to make information services and documentation accessible to all persons with disabilities. This information will also be available in formats that can be used and understood by people with hearing, visual and other communication needs.

3.5 Education

3.5.1 Children

The Government shall ensure that children and youths with disabilities have the same right to education as non-disabled children. Education for all can only be achieved if all children have access to schooling. Assessment, active intervention and specialised services will be provided for those with special needs within the regular education system. Parents of these children shall be actively involved at all levels of the educational system.

The provision of education shall be based on the fundamental principles of inclusive education which demand that all children shall be taught together, whenever possible, regardless of individual differences or difficulties they may have. This process of inclusion entails developing the capacity of the regular school system to enable it to meet the diverse educational needs of all children.

The Government shall ensure that inclusive schools recognise and respond to the diverse needs of their students by accommodating the different styles and rates of learning; and ensuring quality education to all through appropriate curricula, organisational arrangements, teaching strategies, resource use and partnership with parents and communities.

The assignment of children to special schools or special classes within a school on a permanent basis, shall be the exception and not the rule. This shall only be the case where it is clearly demonstrated that education in regular schools cannot meet a child's educational, psychological and social needs. These special schools should be of equal standard and be closely linked to the mainstream education systems and curriculum.

3.5.2 Adult Education

The aim of adult education will be to eliminate illiteracy, which forms a preventable handicap for many Namibians.

Particular attention shall be paid to the role of adult education, including people with mental disabilities and/or learning difficulties. Adult education shall provide a maximum range of opportunities for people with disabilities, including those in rural areas. It will include training in basic skills such as reading and writing, as well as specialised education.

The particular needs of elderly people with disabilities shall be taken into account and they shall be encouraged to participate in adult education programmes.

3.6 Vocational Guidance and Training

The state shall ensure through the National Vocational Training Act 1994 that all vocational training programmes and facilities are integrated and made accessible to all persons with disabilities.

3.6.1 Guidance

Vocational guidance shall provide information about different occupations to enable persons with disabilities to make informed decisions when choosing an occupation according to their interests and abilities.

3.6.2 Vocational Training

Vocational training and rehabilitation shall be directed at helping people with disabilities to obtain or retain employment, to advance in their career and thereby facilitate their integration or reintegration into society. The state shall ensure that vocational rehabilitation services are equally developed in rural and urban areas.

Vocational training and rehabilitation shall:

- be open to all disabled people irrespective of their disability. The aptitudes of the individual person will be taken into consideration before allocating them to a training programme;
- cover all types of activities in order to increase the range of choices for the people concerned and as far as possible be adapted to developments in the labour market;
- be provided with the necessary adaptations in existing public and private services and institutions which provide vocational skills training to non-disabled persons in both urban and rural areas;
- encourage both formal and informal sectors in employment to provide options for youth and adults with disabilities.

3.7 Employment

The Government's employment policy is based on the principle of equal opportunity for all its citizens. The state shall ensure that persons with disabilities have equal opportunities for a productive and gainful employment in the labour market.

An affirmative action programme when developed should ensure that persons with disabilities have equal employment opportunities and are equitably represented in a workplace. This will include the identification and elimination of employment barriers and making reasonable accommodation to the limitation of disabled people. Persons with disabilities will be provided with technical aids and assistive devices which they need to perform their job.

In order to ensure equality of opportunity in employment for people with disabilities, measures shall be taken to combat all forms of discrimination in obtaining and keeping a job and in remuneration and career prospects. Therefore, the state shall ensure that labour related legislation does not discriminate against persons with disabilities and will ensure that obstacles to their employment are removed.

To permit the fullest possible vocational integration of people with disabilities, whatever the origin, nature, and degree of their disability, and thereby promote their social integration and personal fulfilment, measures shall be taken to enable them to work, whenever possible, in an ordinary working environment as salaried employees.

3.7.1 Sheltered Employment

Sheltered employment shall be provided to people who, because of their disability or special needs are unable to obtain, keep, or cope with the demands of a job in a competitive labour market. This will take form of sheltered workshops and/or work centres. These will also prepare them, as far as possible, for employment in the open labour market.

Sheltered employment shall be subject to the general supervision by competent authorities, and workers with disabilities in sheltered workshops shall have an adequate contractual status which takes into account the need for personal assistance and development. This shall take form of a normal employer/employee relationship and remuneration.

3.8 Social Integration and the Environment

3.8.1 Sign Language

The state shall promote and strengthen the position of Namibian Sign Language in order to encourage and strengthen communication amongst deaf people who use this form of communication and between deaf and hearing people. The state shall ensure that interpreter-services with qualified sign language interpreters are developed to facilitate appropriate communication between deaf and hearing people.

3.8.2 Braille

The state shall ensure that information available to the general public is also converted into Braille and in large prints for blind and/or partially sighted people respectively.

3.8.3 Culture, Religion, Recreation and Sports

The state shall support, promote and ensure that disabled people have access to cultural events and activities countrywide and at all levels.

The state shall encourage religious authorities to make their facilities and activities accessible to all disabled people.

The state shall ensure that public sports, recreation facilities and events are made accessible to disabled people.

The state shall initiate and support the development and integration of sports for disabled people within the national sports development programme. This will enable them to qualify for international competitions.

3.8.4 Social Welfare and Housing

The state shall ensure that adequate allowances and pensions are allocated to all persons who are entitled to this, including adults and children with disabilities.

The state shall enforce occupational health and safety regulations to ensure that workers are adequately protected.

In the planning and development of public housing schemes, the state will ensure that provision of and access to housing for persons with disabilities are made.

3.8.5 Transport, Traffic and Road Safety

Adequate transport facilities are essential in giving people with disabilities greater independence and choice in travelling. Therefore, public transport authorities shall:

- recognise that everybody has a right to public transport;
- facilitate travel opportunities for passengers with disabilities by designing or adapting the various systems of public transport, as well as the traffic infrastructure to the needs of persons with disabilities;
- ensure that a policy on road and traffic safety is developed to educate and prevent road accidents.

3.9 Social, Economic and Legal Protection

In order to develop personal autonomy and economic independence, persons with disabilities shall have the right to receive social security and to have a decent standard of living.

[The word “independence” is misspelt in the *Government Gazette*, as reproduced above.]

The exercise of basic legal rights of disabled people shall be protected, including being free from discrimination. In cases where people with disabilities are partially or totally unable to administer their own property, they shall be provided with legal protection in a form of a guardian or legal assistant.

3.10 Training of Personnel

The Government accepts its responsibility in ensuring the adequate training of personnel at all levels involved in the planning and provision of services for persons with disabilities. In particular, teacher training curriculum will address special educational needs in regular classrooms to the national pre-service and in-service teacher training.

Comprehensive information about the various needs of all disabled people shall be included in the curriculums of various professionals for example, health workers, social workers, teachers, community workers and mid-level personnel.

3.11 Information, Statistics and Research

The Government acknowledges the responsibility for the collection and dissemination of information about the needs and rights of disabled people.

The Government shall initiate and support research about the social, economic and living conditions of disabled people.

When a new national census is carried out, it will include data on persons with disabilities. The results will be used in the national planning of all disability related programmes and services such as rehabilitation, communication services, integration and equalisation of opportunities.

To be able to ensure a successful prevention of disabilities, in depth studies shall be conducted on the nature and prevalence of causes, types and frequencies of disabilities.

3.12 Family Life and Personal Integrity

The state shall promote the full participation of persons with disabilities in family life. It shall promote their right to personal integrity and ensure that the laws do not discriminate against them with respect to their sexuality, marriage, and parenthood.

Persons with disabilities are particularly vulnerable to abuse and violence within the family, community and in institutions. The state shall ensure that measures will be taken to prevent abuse and violence against them. Adequate counselling and support services shall be provided for those who become victims of violence or abuse.

3.13 Organisations of and for Persons with Disabilities

The Government recognises the right of organisations of and for persons with disabilities to represent them at national, regional and local levels as well as their role in identifying needs, evaluating services, advocating change and raising awareness.

To this end, the Government shall endeavour to encourage and support the formation and strengthening of such organisations in view of the vital role they play.

3.14 International Co-operation

The Government shall initiate the establishment of contacts with international bodies involved in disability issues as well as the United Nations and its specialised agencies. All relevant conventions, treaties and agreements pertaining to disability and rehabilitation of persons with disabilities shall be studied in order to eventually ratify and accede to such agreements.

The Government shall ensure the inclusion of disability aspects in **all** forms of international co-operation.

[Namibia subsequently ratified both the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 4 December 2007. The Convention and the Optional Protocol both came into force internationally on 3 May 2008.]

4. STRATEGIES FOR IMPLEMENTATION

The following strategies are important tools for the implementation of this policy. The designated ministries will, in practical terms, support these strategies by programmes and projects whose implementation can bring about the intended goals. The extracts of the different objectives from the designated ministries' development plans are in line with this policy's objective and the guiding principle of full social integration and equalization of opportunities, respectively.

The financial and human resources allocated to the provision of essential services to Namibians are fragmented and scattered under several ministries. Consequently, each ministry tends to have a too thin operational level staffing to respond to the needs of the local population. Therefore there is the need to pool the resources of different ministries and to organise them adequately so as to optimise the use of the total number of public services staff. Such organised pooling would enable the government to render much more extensive and intensive services to all Namibians, including persons with disabilities. The needs of and services to people with disabilities should not be treated separately by creating duplicating service structures.

Each ministry carrying the main responsibility for the co-ordination of action plans in a particular area, shall ensure that all other governmental bodies and non-governmental organisations are involved in these plans.

In addition to the assigned responsibilities, all government ministries should make their information and documentation accessible to disabled people and in particular to those with sensory loss in formats they can understand. For example, for blind and partially sighted people, this information should be converted into Braille and in large prints respectively or made available on audio tapes.

4.1 Legislation

The Government shall combat discrimination against persons with disabilities through legislation. This will help in the achievement of full participation and equality for persons with disabilities.

The needs of all disabled people should be incorporated in all existing and new legislation dealing with education, employment, building codes, sports and recreation, housing, transportation, telecom / communication and all other sectors serving the public.

4.2 Financing the Execution of the Policy

The Government shall ensure that a sufficient budget is allocated for all disability-related programmes and services aiming at the rehabilitation, full social integration and equalisation of opportunities for persons with disabilities.

4.3 Policy-Making and Planning

The Government shall ensure that disability aspects are included in all relevant policy-making and national planning activities. The leading principle is that persons with disabilities and their needs shall be incorporated into the general development plans and not be treated separately.

The various ministries listed below have been assigned designated areas and given the responsibility of implementing this policy. However, all government ministries and agencies should take immediate steps in including disability issues into their overall development plans. The co-ordinating ministry shall ensure that the implementation of such plans is effected.

4.3.1 National Planning Commission (NPC)

In achieving its objective of “..rehabilitation of disabled people..” the National Planning Commission will (in collaboration with all ministries) have to carefully scrutinise all the different ministries’ plans and programmes to ensure that they include the needs of disabled people before acknowledging and approving them.

4.3.2 Ministry of Lands, Resettlement and Rehabilitation (MLRR)

One of the objectives of this ministry is “The rehabilitation of disabled people by way of mobilising and organising them into groups that strive for skill training and the creation of employment and self-sufficiency in the production of material wealth”. Therefore, when implementing this policy, this ministry will be responsible for taking the lead role in the co-ordination of awareness raising programmes and campaigns in collaboration with the Ministry of Information and Broadcasting (MIB). Other key roles will include:

- Training of personnel in co-operation with all ministries and training institutions
- Supporting of and co-operation with organisations of and for persons with disabilities
- Maintaining International co-operation (in collaboration with NPC)
- Promoting and Implementing Community-Based Rehabilitation programmes
- Reporting, monitoring and evaluation in collaboration with the National Council on Disability.

4.3.3 Ministry of Health and Social Services (MHSS)

The main objective of this ministry to is “to improve the health status of the Namibian population through the provision of relevant preventive, promotive, curative and rehabilitative

health services, which are affordable and accessible to all Namibians”. To fulfil this objective and in implementing this policy all these services should be made accessible to disabled people.

The Directorate of Social Services is responsible for Disabled Person’s Grants and Blind Person’s Grants that often are the only source of income to disabled people. The coverage and accessibility however need to be revisited and improved. Additionally, it is the social and health workers who are the most common channel for people with disabled people to access various societal and welfare services. Furthermore, specialised health, social welfare and technical support services such as counselling, physiotherapy etc. and the provision of orthopaedic equipment are also the responsibilities of the MHSS. The financial and human resources allocated to the provision of essential social welfare services are however fragmented and scattered under several ministries. These resources need to be reorganised to make the optimum use of resources available.

[The phrase “people with disabled people” was probably intended to read “people with disabilities” or “disabled people”.]

4.3.4 Ministry of Basic Education and Culture (MBEC)

The ministry’s objective is... “to ensure that basic education is received by all Namibians” when implementing this policy and to fulfil the aforementioned objective, the ministry should make provision of an inclusive education for all Namibian children including those who are disabled. This process of inclusion will entail developing the capacity of the regular school system to enable it to meet the diverse educational needs of all children. Furthermore, in co-operation with the MLRR the ministry should promote and strengthen the position on Namibian Sign Language.

[The Ministry of Basic Education and Culture has been re-named.]

4.3.5 Ministry of Higher Education, Vocational Training, Science and Technology (MHEVTST)

At post basic level the Ministry’s intention is “to strive for a balance between academic technical and vocational education and training”. The ministry will ensure that all these different disciplines and facilities are made accessible to persons with disabilities when implementing this policy. The higher education and vocational guidance and training will co-operate with the MBEC and the Ministry of Labour (ML) respectively.

[The Ministry of Higher Education, Vocational Training, Science and Technology has been re-named.]

4.3.6 Ministry of Youth and Sports (MYS)

In fulfilling the ministry’s objectives of providing and facilitating “the process of youth employment”...”skills training..” and ...”enterprise activities..” the ministry should make all these areas accessible to disabled people. This will be in collaboration with the MBEC and MLRR, as well as with the Ministry of Environment and Tourism (MET).

[The Ministry of Youth and Sports has been re-named.]

4.3.7 Ministry of Regional and Local Government and Housing (MRLGH)

Regional Councils

One of the objectives states that, “..establish a system of Regional Planning Advisory Committees - representing communities, the private sector, local authorities and regional ministerial offices - to advise Regional Councils..” This committee should also include disabled

people or their representatives so that their needs can be included when handling the development planning matter.

Local Authorities

One of the objectives states that, “... develop new, and upgrade existing service extensions in Towns, Villages and Settlement Areas, based on a comprehensive needs survey..” This survey should include the different needs of disabled people and their families.

[The quotation in the paragraph above is missing an opening quotation mark.
The symbol “Ö” is obviously in error. Some words appear to be missing.]

[The Ministry of Regional and Local Government and Housing has been re-named.]

4.3.8 Ministry of Labour (ML)

Labour and employment sector objectives are multi-faceted. Two of the objectives include

- a) “.. employment promotion both in formal and informal sectors..”
 - b) “..establishment of a comprehensive and up-to-date labour market information system..”
- Both objectives should include disabled people. Objective (b) should also monitor the number of disabled people in the labour force and the type of occupations they are involved in. As part of the human resources development programmes provision should be made to include sheltered employment for those disabled people who qualify for it.

[The Ministry of Labour has been re-named.]

4.3.9 Ministry of Works, Transport and Communication (MWTC)

Transport sector’s overall goal is to “... ensure the availability of safe, effective and efficient transport services in the different transport modes...” In implementing this policy, the ministry should ensure that public transport is made accessible to disabled people.

Telecommunications - one of the objectives is “..expand the telecommunications network to improve customer access and increase the customer base..”. The other is “..train more personnel in areas where professional skills are required..” Telecommunications should make their services accessible to disabled people, and for those with sensory loss they should introduce the technology which is currently used in Europe and the USA.

Furthermore, personnel should be brought in and trained. Some public telephones should be at a level which is accessible for wheelchair users.

[The Ministry of Works, Transport and Communication has been re-named.]

4.3.10 Ministry of Information and Broadcasting (MIB)

This ministry’s main objective is “.. to maintain a vigorous mass media system which is capable of serving as a catalyst for nation-building and development”. To fully achieve this objective the ministry will have to implement this policy by ensuring that disabled people have access to the media, especially those with sensory loss. For example, the inclusion of subtitles and sign language for deaf or hard of hearing people. In collaboration with the MLRR and other ministries it will also be involved in raising awareness about the different needs of disabled people.

[The paragraph above contains an incomplete sentence (“For example...”).
The Ministry of Information and Broadcasting has been re-named.]

4.3.11 Ministry of Justice (MJ)

The development objective of this ministry is “to ensure the existence of legal justice throughout the country and which would benefit all Namibians..” Therefore in implementing this policy, the ministry has a vital role of ensuring that disabled people are given advise about the Namibian legal system generally and information on how to seek and qualify for legal aid. This information should also be readily available to people with sensory loss. For example, for those who are blind or partially sighted information should be available in Braille and in large prints respectively. This information should also be made available to deaf and hard of hearing people, especially when requiring legal assistance. Furthermore, trained sign language interpreters should be made available in courts for deaf people who use this form of communication.

[The word “advise” is misspelt in the *Government Gazette*, as reproduced above.]

4.3.12 Department of Women Affairs (DWA)

One of the general objectives is “..create more awareness on the needs, issues, concerns and roles of women in the process of development..”. In implementing this policy there should be an inclusion of women with disabilities in all development programmes.

[The Department of Women Affairs has been re-organised and re-named.]

4.3.13 Ministry of Finance (MF)

This ministry, in addition to its other functions, has major roles in “..policy-making, economic management and resource allocation. To this end, the ministry in co-operation with the NPC, will finance the execution of this policy.

[The paragraph above omits a closing quotation mark.]

4.4 Communication and Co-ordination

The Government shall strengthen the co-ordination, co-operation and communication amongst all governmental and non-governmental bodies dealing with health, education, vocational training, employment, social services and other relevant areas in society; the aim is to ensure a general development towards the equalisation of opportunities for people with disabilities in Namibia. Links and co-ordinating procedures have to be established between various bodies, departments, regional and local authorities, families and voluntary organisations.

The Government acknowledges the advisory role of the representatives of organisations of and for people with disabilities as invaluable in the planning, implementation and evaluation of services; and in the programmes and strategies relevant to the needs and lives of disabled people.

The Government shall ensure that different national policies related to disability are taken cognisance of by the responsible ministries and that their implementation is co-ordinated.

4.5 Community-Based Rehabilitation

The Government will adopt a Community-Based Rehabilitation (CBR) as the main strategy for the implementation of programmes on prevention, rehabilitation, integration and equalisation of opportunities for persons with disabilities. CBR is a strategy within community development which aims at rehabilitating, socially integrating, and providing equal opportunities for all disabled people. Rehabilitation of persons with disabilities will be considered as a basic right

National Disability Council Act 26 of 2004

for all those who need it; it is an important prerequisite to attaining full participation and equality within their societies and communities.

Whilst committing itself to the CBR strategy, the Government recognises that there will always be a need for institutional-based rehabilitation. Specialised institutions shall be seen as support services to the communities. They shall only be established and supported as a result of documented needs within the communities when no other solution can be found.

The Government believes that inclusive education and community-based rehabilitation represent complementary and mutually supportive approaches to serve those with special needs. By adopting CBR as a strategy, the Government further strengthens its principle of decentralisation of programme-implementation.

Most rehabilitation can be done at home and in the community with an affordable amount of training and support. The CBR will be implemented through the combined efforts of disabled people themselves, their families and communities, and with the appropriate health care, educational, vocational and social services.

4.6 Monitoring and Evaluation

It is the declared goal of the Government to ensure the effective implementation of a National Policy on Disability.

A proposed legislative bill called The Act on the Establishment of the National Council on Disability will be established. This proposed National Council on Disability should be consulted on all legislation and will *inter alia* have the following roles: identify areas where legislation is required and advise on new legislation; propose amendments on existing legislation to ensure that it entails the needs of disabled people; monitor and evaluate the implementation of the National Policy on Disability.