

DISABILITIES

National Disability Council Act 26 of 2004

Summary: This Act ([GG 3360](#)) establishes a National Disability Council and provides for its functions and powers. The Schedule to the Act contains the National Policy on Disability. The Act was brought into force on 30 October 2009 by GN 211/2009 ([GG 4371](#)).

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends section 5 and 7.

Regulations: Regulations are authorised by section 23 of the Act, but none have yet been promulgated.

SELECTED CASES

Visser v Minister of Finance & Others (I 3178/2007) [2014] NAHCMD 321 (29 October 2014) (Constitutional challenge to MVA scheme on grounds of discrimination on the basis of disability; disability not “social status” for purposes of Art 10(2) of Namibian Constitution) (discussed in Y Dauseb and K Pinkosky, “*Visser v Minister of Finance: A Missed Opportunity to Clarify the Equality Provision within a Namibian Disability Rights Paradigm*” in Dunia P Zongwe & Yvonne Dauseb, eds, *The Law Reform and Development Commission of Namibia at 25: A Quarter Century of Social Carpentry*, Ministry of Justice, LRDC: 2017, available at <https://namiblii.org/system/files/other/lrdc-25-years/lrdc-25-years.pdf>).

COMMENTARY

South African Journal of Human Rights, Volume 30, Issue 2, 2014 (special issue on disability).

INTERNATIONAL LAW

Agreement for the Establishment of the African Rehabilitation Institute (ARI), 1981

Convention on the Rights of Persons with Disabilities, 2006

***Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013*

See also Child Care and Protection Act 3 of 2015 (grants and other protections for children with disabilities) (**CHILDREN**).

See also *Employees’ Compensation Act 30 of 1941*, Affirmative Action (Employment) Act 29 of 1998 and Labour Act 11 of 2007 (section 5) (**LABOUR**).

See also **MENTAL HEALTH AND MENTAL DISORDERS**.

See also National Pensions Act 10 of 1992 (pensions for blind persons and persons with other disabilities) (**PENSIONS**).

See also **SOCIAL WELFARE**.