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“Department of Public Works compliance with measures for disabled access in public buildings”

by

Ms Nozuko Monama

February 2017

A research report submitted to the Faculty of Management, University of Witwatersrand, in partial fulfilment of the Degree of Masters of Management (in Public and Management Development)

DECLARATION

I, **Nozuko Monama**, hereby declare that this research report is my own original work and has not been previously been submitted. It is submitted in partial fulfilment of the requirements of the Masters in Public and Development Management at the University of Witwatersrand, Johannesburg. The opinions and views of certain authors or resources are used and has been acknowledge by a complete referencing.

_____

Ms Nozuko Monama

Student number:

Date:

DEDICATION

I would like to dedicate this research report to my beautiful two little angels, my boys, Lethabo and Sakhile, whom God brought into my life. They have been very patient and understanding throughout my tirelessly late nights and gave Mommy nothing but love all the time.

My deepest appreciation to my mother and father, who always have been in my corner supporting and encouraging me. They have always been my pillars, because they always seen the best in me and believe in me.

To my sisters, who have always been my rock and strength throughout this journey.

I would like to thank my girlfriends, who have really shown me that Imbokodo Rules; without your support, this journey would have been in vain.

Lastly, I would like to thank my colleagues for their continuous support and encouragement. This would not have been achieved without you.

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To the members of the Disability Sector, with whom I work, your guidance and input are way beyond expectations and I have seen the amazing work you do in transforming the built environment for a better life for all.

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ABSTRACT

Accessibility in the built environment has always created barriers for persons with disabilities. Accessibility in public buildings is a key factor for persons with disabilities in achieving livelihoods and independence. However, inaccessible public buildings limits the rights of persons with disabilities to equal participation and prevents them from being equal citizens. Persons with disabilities are often faced with barriers that limit them from actively participating in social and economic life. Many of these barriers are related to accessibility in the built environment.

This research report looked into the Department of Public Works' Accessibility Programme. The accessibility programme intends to make all state-owned buildings accessible for persons with disabilities. The participants of the study were mostly implementers of the accessibility programme and participants from organisations of persons with disabilities.

Most of the participants acknowledged the work the Department of Public Works has done. However, they also noted shortcomings in implementing the accessibility programme. The lack of knowledge on disability issues and understanding on how to address accessibility in the built environment was a contributing factor to the ineffective and efficient accessibility programme. The recommendations of the study include inclusive disability programmes in the built environment in the planning, policy development, designing and completion stages. Education and advocacy are highly recommended at all stages of the implementation of the accessibility programme.

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LIST OF PROJECT PERFORMANCE

Excel format Progress Report/s

LIST OF ACRONYMS

ADA	American Disability Act Standards
CSS	Critical Social Science
CRPD	Convention on the Rights of Persons with Disabilities
DCCI	Disability Chamber of Commerce Industry
DIG	Disablement Income Group
DPSA	Disabled People of South Africa
DPW	Department of Public Works
DWCPD	Department of Women Children and Persons with Disabilities
GIAMA	Government Immovable Asset Management Act
NCPPDSA	National Council for Persons with Physical Disabilities in South Africa
OHS	Occupational Health and Safety
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
QASA	QuadPara Association of South Africa
SABS	South African Bureau of Standards
SAFMH	South African Federation of Mental Health
SAHRC	South African Human Rights Council
SANS	South African National Standards
SANCB	South African National Council for the Blind
UPIAS	Union of Physically Impaired Against Segregation
UN	United Nations
WAND	Women's Achievement Network for Disability

CHAPTER ONE
OVERVIEW OF THE STUDY

1.1 INTRODUCTION

The United Nations' (UN) *World report on disability: 2011* states that more than one billion people in the world live with some form of disability, of which nearly 200 million experience considerable difficulties in functioning. The report depicts that, in the years ahead, disability will be an even greater concern because its prevalence is on the rise. The cause of the rise is due to ageing populations and the higher risk of disability in older people, as well as the global increase in chronic health conditions such as diabetes, cardiovascular disease, cancer and mental health disorders.

The UN report (2011) also raises concerns of poverty and the marginalisation of persons with disabilities, stating that, across the world, people with disabilities have poorer health outcomes, lower education achievements, less economic participation and higher rates of poverty than people without disabilities. The report notes that, among many challenges that people with disabilities experience, are barriers in accessing services that many people without disabilities have long taken for granted, including employment, accessible transport and access to information. These difficulties are exacerbated in less advantaged communities.

The UN has taken a stand in responding to the human rights violations faced by persons with disabilities by taking on a number of significant international human rights commitments. Among the actions taken by UN is the adoption of a human rights-centred approach recognising the rights of persons with disabilities, which means the provision of support, services and aids to enable social and economic integration, self-determination, and the enjoyment of legal and social rights.

1.1.2 BACKGROUND

Article 9 of the UN Convention on the Rights of Persons with Disabilities (CRPD) (2008) makes provision for the concept of 'accessibility', referring both to the physical environment and to information and communication services. For the purposes of this research, the study shall take note of 'accessibility' in reference to the physical environment of public buildings. The study will investigate the mandate of the South African Department of Public Works (DPW) as the custodian of government buildings and with the focus of ensuring that government buildings are accessible for persons with disabilities. The DPW accessibility programme attends to the rehabilitation and refurbishment of old and existing state-owned buildings, including those of the Department of Home Affairs, South African Police Service (SAPS) stations and Department of Correctional Services.

Not only does the Constitution of the Republic of South Africa 1996 redress the ills of apartheid; it also deepens human rights value principles. The South African Constitution is known as a progressive constitution (SAHRC, 2002: 11). The Bill of Rights in Chapter 2 of the Constitution sets out fundamental rights which are the cornerstone of democracy in South Africa. The Bill of Rights enshrines the rights of all persons in the Republic of South Africa and affirms the democratic values of human dignity, equality and freedom.

It is within the ambits of the Constitution that the South African government undertook the commitment to realise the rights of persons with disabilities. The government has taken strides by putting in place progressive legislative frameworks that integrate and mandate the rights of persons with disabilities in all spheres of government, such as employment, education, the economy and the physical environment. The human rights-based approach adopted by the South African government prioritises the needs of vulnerable and disadvantaged groups.

The South African Human Rights Council (SAHRC) forms part of the Chapter 9 institutions as enshrined in the Constitution. The SAHRC report *Towards a barrier-free society* (2002: 05) states:

> *Major steps have been taken since 1994 to ensure that people with disabilities will not continue to be subjected to the discrimination, inequities and exclusion of the*

past. An enormous task remains, however, in transforming the institutions, attitudes, practices, buildings, facilities and environments that continue to deny people with disabilities their rights to dignity, equality and freedom. The South African Human Rights Commission has a responsibility to participate in and drive this process.

These Chapter 9 institutions are a vital component within broader mechanisms to redress the systemic inequalities and discrimination that remain deeply embedded in social structures, practices, attitudes and environments, including laws governing accessibility and the built environment.

Although many strides have been taken, there are still major concerns around government's inability to effectively implement the practicalities of realisation of access in public buildings for persons with disabilities. These barriers limit persons with disabilities from participating fully in society. Some of these barriers have existed as negative attitudes to disability, which take the form of ignorance, stereotyping and prejudice, and have a negative impact on the livelihoods of persons with disabilities.

The Department of Public Works' White Paper entitled *Public Works towards the 21st Century* (1997) clearly stipulates the importance of consultation with persons with disabilities, stating that the consultations were intended to make all government buildings accessible for persons with disabilities. To further encourage review of South Africa's National Building Regulations for the establishment of Department of Public Works built environment accessibility norms and standards. The White Paper also noted the need to address the barriers in public buildings preventing persons with disabilities from fully participating in society.

It is against this backdrop that this study was conducted, taking on the measures put in place by the National DPW as the custodian of government buildings, including the accessibility programme that focused on making state-owned buildings accessible for persons with disabilities. The study also obtained the views, experiences and opinions of policymakers relating to accessibility in state-owned buildings, including those involved in the planning, design and construction of state-owned buildings.

1.1.2 INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The Convention on the Rights of Persons with Disabilities (CRPD) that was ratified by many countries, including South Africa, came into force in May 2008. The CRPD was seen as the first human rights treaty to be enacted in the 21st century, which is of historic importance as it is the first legally binding international human rights instrument by which persons with disabilities were able to hold their respective governments to account for the promotion, recognition and enforcement of the rights of people with disabilities. The coming into force of the CRPD was seen by disability rights activists as a major tool for the promotion and protection of the rights of persons with disabilities.

The South African government thereafter took an active role, through designated government structures, to lobby and advocate for the CRPD to be recognised and effectively implemented through government policies, for example, during the National Disability Summit held in July 2008. The CRPD was further domesticated by the Republic of South Africa in the form of a national disability policy (Department of Social Development (DSD, 2015), which was adopted by the Cabinet in 2015.

1.1.3 ACCESSIBILITY AND BUILT ENVIRONMENT

The SAHRC report *Towards a barrier-free society* (2002) states that the accessibility of built environments can be assessed by how easily, safely and equally people with special needs or impairments can use buildings, facilities and constructed spaces. This includes physical and other barriers that discriminate against some people by not allowing them to move freely and independently within their built surroundings.

The report goes on to note that, when buildings, facilities and built spaces are inaccessible to persons with disabilities, it therefore means that persons with disabilities are denied opportunities, access to services and day-to-day community life. The implication is that government officials, employers, architects, property developers and other members of the public are not sensitive to the rights and needs of persons with disabilities and are discriminating against persons with disabilities, often overtly and perhaps unintentionally.

The SAHRC Report November 2002 also noted that inaccessible environments deny persons with disabilities their rights to equality, dignity and freedom, amongst other fundamental

human rights. Therefore lack of physical access, both to and within built environments, is a major factor contributing to the on-going exclusion of persons with disabilities from mainstream society.

The pictures that follow depict the current status of inaccessible government buildings which still raises alarming concerns, as noted by disability rights activist Andy Smith from the Pretoria North Quadriplegic Association.

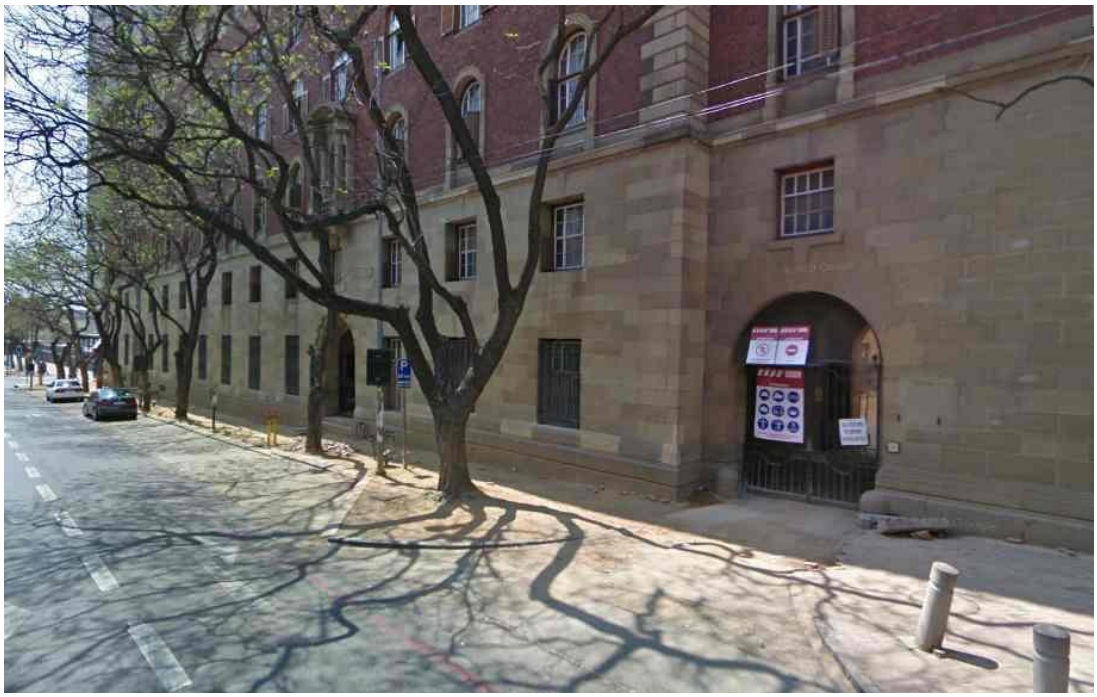

Figure 1: The façade of the National Department of Public Works CGO building taken from Bosman Street (Google Maps, 2013)

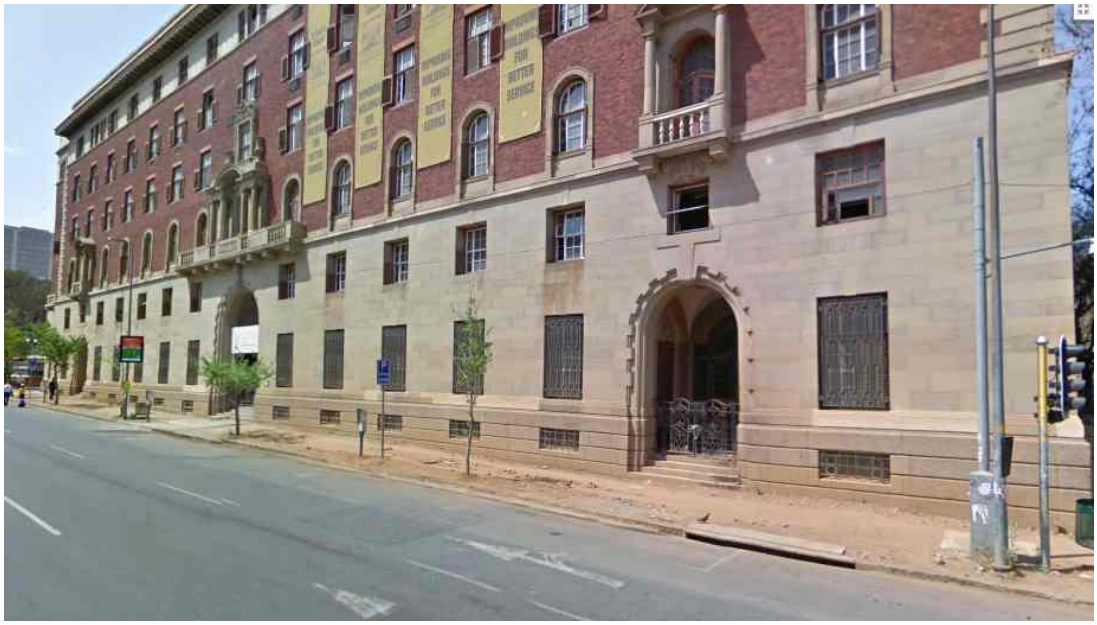

Figure 2: The façade of the National Department of Public Works CGO building taken from Bosman Street (Google Maps, 2012)

Figures 1 and 2 show that there is no visible available disabled parking. As stated by Andy Smith from the Pretoria North Quadriplegic Association:

> *There is still no disabled parking. So what does the wheelchair user have to do? Looking at the building; it is not obviously accessible by wheelchair and, even if the wheelchair user gets out of the car, they cannot get up the flight of steps to go and ask where they are meant to go and this brings us to the next problem.* (Smith, presentation to the DPW Disability Committee Orientation, 2012 22 November)

1.1.4 LEGISLATIVE AND REGULATORY FRAMEWORK

The DPW's White Paper on *Public Works towards the 21st Century* (1997) clearly stipulated the importance of transformation in the built environment and promoted disability inclusiveness in built environment. Inclusive consultations should be observed in order to implement the mandate of the custodianship of government buildings in ensuring access for people with disabilities. Furthermore, the White Paper encourages transformation in the National Building Regulations and Building Standards Act 103 of 1977 (hereafter National Building Regulations). The White Paper also noted the need to address the barriers in public buildings preventing persons with disabilities from fully participating in society.

According to the Irish National Disability Research Agenda (O'Herlihy & Winters, 2005), an appropriate legislative and regulatory framework is vital if the issue of built environment accessibility is to be adequately addressed. There have been significant developments in this area since 2008, with the National Building Regulations and Building Standards Act 103 of 1977 amendment of Part S Facilities for Persons with Disabilities and published by the Department of Trade and Industry in May 2008. The regulation as further amended Part S Schedule Facilities for Persons with Disabilities as are to be addressed and continuously adjusted to meet the global building standards under the South African National Standards (SANS) and the current is SANS 10400-S: 2011: relate to all aspects of accessibility and covers such aspects as doors and doorways, ramps, stairways, handrails, lifts, toilet facilities, auditoriums and halls, obstructions in the path of travel, parking and indication of facilities. The SANS is the technical guide framework for the modern South African building control system. The amendment of the National Building Regulations and Building Standards Act 103 of 1977 was a significant development in relation to accessibility in the built environment. At the same time SANS SANS 10400-S: 2011 had its own flaws as it was not enforceable as it has voluntary and compulsory clauses. Therefore, implementers can pick and choose on what they want to do in applying SANS 10400-S: 2011. The principal aim of building regulations is to provide for the health, safety and welfare of people in and around buildings.

The National Building Regulations and Building Standards Act plays an important role in improving accessibility in the built environment, in light of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA), which specifically refers to the built environment and social inclusion. PEPUDA makes provisions to facilitate 'the transition to a democratic society, united in its diversity, marked by human relations that are caring and compassionate, and guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom' (Parliamentary Justice Report: 2006).

PEPUDA is seen as the baseline tool guiding the principles of the human rights value system. The Act sets out standards to be utilised in terms of built environment accessibility. It also makes provisions for the prohibition of unfair discrimination on grounds of disability, in terms of section 9, subject to section 6:

> *no person may unfairly discriminate against any person on the ground of disability, including – (a) denying or removing from any person who has a disability, any*

supporting or enabling facility necessary for their functioning in society; (b) contravening the code of practice or regulations of the South African Bureau of Standards (SABS) that govern environmental accessibility; (c) failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonable accommodate the needs of such persons.

The infringement of these rights, through access in the physical environment, fall within the ambits of human rights violations as entrenched in the Constitution.

The National Disability Summit Report (2008) amongst of many issues raised was the provision of universal access in built environment in accordance with CRPD article 9 "Accessibility" of persons with disabilities in the built environment whereby calling for a new version of Part S of the National Building Regulations and Building Standards Act 103 of 1977 as amended building regulations that was to be published in 2008 to make provision for universal access, and made recommendations of a new standard to be developed by 2014. Input on the National Disability Policy (DSD, 2015)

1.2 PROBLEM STATEMENT

The DPW, as the custodian of government buildings, has been consistently criticised for not adequately and effectively making these buildings accessible to persons with disabilities.

There have been lawsuits brought against the state noting the two cases "The Willem Bosch judgment (2005) and Esthe Muller judgment (2004)" which the Department of Women, Children and People with Disabilities (DWCPD) reported in its strategic plan report (2012). DWCPD stated in their 2012 Strategic Plan report that even after six years after these judgements, many government buildings still remain inaccessible. The inability of the state to make public buildings accessible shows a low prioritisation for access of people with disabilities in government buildings and a lack of compliance with legal requirements as stipulated in the National Building Regulations, Act No.77 of 1985, as amended 2008 Part S. Facilities for persons with disabilities. These concerns were raised by various organisations for persons with disabilities and organisations representing people with disabilities.

It is against this background the Department of Public Works established the accessibility programme as an intervention programme to redress the concerned raised in the law suit brought against the state. The programme was established in the financial year 2008/09 to rehabilitate and refurbish State-owned buildings making them accessible for persons with disabilities. The Department of Public Works reported for the financial year 2013/14 that a total number of 135 projects were in the implementation stage only 10 projects were complete by end of December 2013. It will be important to note that the project was initiated in the financial year 2008/09 thus far only 10 projects were completed.

The accessibility programme had its own backlog challenges and some of the completed projects were not fully compliant in terms of the legal requirements. In reality little progress has been done thus far on the accessibility programme since its inception and persons with disabilities continues to face access barriers in government buildings. Therefore, this research intends to find out and understand the reasons for the minimal progress in addressing accessibility in public buildings since 2008 until 2014.

1.3 PURPOSE STATEMENT

The purpose of this research is to identify the reasons why the DPW has not effectively implemented accessibility in the public buildings. Interviews were conducted with relevant officials to establish whether the lack of progress is the result of budget constraints, low prioritisation, lack of awareness or a combination of these and other factors.

The research context reflects the work in progress of the accessibility programme by the Department of Public Works. The study investigates whether the backlogs and lack of progress may be lack of prioritising by the Department or there are any other factors hindering progress.

1.4 THE RESEARCH QUESTIONS

1.4.1 Primary research question

As noted, the DPW has been criticised for not adequately and effectively making government buildings accessible for persons with disabilities. The continued limitation of

access in public buildings conflicts with the PEPUDA (2000), which states that there must be no direct or indirect discrimination against any person on the grounds of disability. The PEPUDA (2000) sets out standards to be utilised in terms of accessibility in the built environment for persons with disabilities. Therefore, the primary question is:

What kinds of measures have been put in place by the Department of Public Works to ensure access for persons with disabilities in government buildings?

In addressing the primary question, the research aims to provide more insight into specific actions taken by the DPW in ensuring access for persons with disabilities.

1.4.2 Secondary research questions

The study hopes to understand whether there has been any progress and, if not, what the challenges in addressing access for persons with disabilities in public buildings are. Therefore, the following questions may be asked as secondary questions:

1. How does the DPW familiarise itself with the needs of persons with disabilities in the built environment?
2. How does the DPW address access for persons with disabilities in public buildings?
3. Is DPW successfully implementing any accessibility programmes for persons with disabilities in public buildings?
4. Which processes are followed to determine adherence to set legal requirements?

CHAPTER TWO:
CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW

2.1 INTRODUCTION

The study explores various literatures on the topic and similar research conducted in South Africa and internationally. The study also examines key concepts for this research and discusses findings from various literatures. The research outlines human development initiatives for persons with disabilities in the international arena as well as South African government initiatives.

In the process, the study provides information relevant to the challenges experienced by persons with disabilities with regard to the accessibility of public buildings, their usage of the public buildings and their participation in social life. The challenges experienced by persons with disabilities which are being characterised by negative societal attitudes towards disability, the absence of strong regulatory controls over the actions and operations of developers, and the key understanding to the design and development of accessibility for people with disabilities in the built environment.

2.2 DEFINITIONS OF KEY CONCEPTS

It is important to ascertain the participation of persons with disabilities in society within the context of access in public buildings. Therefore, it is necessary to define key words and concepts that underpin access to physical environment:

a) 'Accessibility'

Accessibility is defined in the CRPD (2008) as having the following dimensions: "Physical accessibility: removing barriers in the infrastructural environment. Ensuring access to buildings, water supply and sanitation facilities, roads and transport services means designing them in a way that they are usable by all people, including all persons with disabilities' (Worm, 2012).

Within the South African policy and legal framework, 'acessibility' is addressed by the National Building Regulations and Building Standards Act 103 of 1977 Part S Facilities for Persons with Disabilities as amended and published by the Department of Trade and Industry in May 2008. The regulation as further amended Part S Schedule Facilities for Persons with Disabilities as are to be addressed in the South African National Standards (SANS) 10400-S: 2011: relate to all aspects of accessibility and covers such aspects as doors and doorways, ramps, stairways, handrails, lifts, toilet facilities, auditoriums and halls, obstructions in the path of travel, parking and indication of facilities.

The Department of Trade and Industry's (DTI's) National Building Regulations and Building Standards Act 103 of 1977 amended Part S Facilities for Persons with Disabilities and was published in 2008.In terms of the as amendment published private and public sector may be obliged to ensure that their buildings are accessible to persons with disabilities.

The SAHRC report of 2002 notes that the accessibility of built environments concerns how easily, safely and equally people with special needs or impairments can use buildings, facilities and constructed spaces. Physical and other barriers discriminate against some people by not allowing them to move freely and independently within their built surroundings.

b) A 'barrier-free' society

Various researchers have noted that the concept of disability has been traditionally defined in the medical and welfare contexts. However, there has been a drastic shift during the past two decades moving towards a barrier-free society for all persons, including those with disabilities. A barrier-free society is aligned with concepts from the social model, rather than the medical model. The social model links the issues of human rights, social entitlement and economic opportunity with a wider range of rights-based solutions than those of the medical and welfare model, which tries to change, cure or 'take care of' individuals with impairments.

The notion of a barrier-free society concept is further enhanced by the CRPD (2008). Article 3 states that the general principles of the convention are:

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity… (p. 5)

Worm (2012) points out that these dimensions enhance the rights of persons with disabilities as part of human diversity and humanity, which marks a generally positive approach towards persons with disabilities to a 'barrier-free society'. Worm (2012) further points out that CRPD expands the scope of the existing human rights system, whereby the concept of accessibility is further developed as a wide variety of impairments and societal barriers are taken into account.

c) Persons with disabilities

Article 1 of the CRPD (2008: 04) defines persons with disabilities as including 'those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.'

The convention adopted a social model of disability, moving away from viewing persons with disabilities as objects of charity, medical treatment and social protection, and towards viewing persons with disabilities as full and equal members of society with human rights. The CRPD (2008) is viewed as the only human rights instruments with an explicit sustainable development dimension.

d) Discriminative on the grounds of disability

The concept of discrimination on the grounds of disability is clearly stipulated in the South African Constitution as a human rights violation. Section 9 of the Bill of Rights (Chapter 2) states that:

(2) equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to

protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

The constitution further notes that:

(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

The South African Constitution was further enacted by the Promotion of Equality and Prevention of Unfair Discrimination Act, to ensure the full realisation of the Constitution as the guiding principles of the human rights value system. The PEPUDA (2000) clearly stipulates the measure of performance as it set out standards to be utilised in terms accessibility in the built environment for people with disabilities. PEPUDA (2000) made provisions on the prohibition of unfair discrimination on ground of disability, stating that the infringement of these rights shall fall within the ambits of human rights violations as entrenched in the Constitution.

e) The social model of disability

The historical origins of the social model of disability, as cited by Shakespeare (2006: 197), emerged from the intellectual and political arguments of the Union of Physically Impaired against Segregation (UPIAS). According to Shakespeare (2006), the UPIAS was a small hard-core group of people with disabilities, who were inspired by Marxism and who rejected the liberal and reformist campaigns of more mainstream disability organisations.

Shakespeare (2006) states that, according to the UPIAS policy statement which was adopted in December 1974, the intent was to replace segregated facilities with opportunities for people with disabilities to participate fully in society, to live independently, to undertake productive work and to have full control over their own lives. The policy statement defines people with disabilities as an oppressed group and highlights barriers to integration:

> *We find ourselves isolated and excluded by such things as flights of steps, inadequate public and personal transport, unsuitable housing, rigid work routines in factories and offices, and a lack of up-to-date aids and equipment. (UPIAS, 1974)*

Shakespeare (2006) states that the discussion on the concept of social model of disability by UPIAS was that social problems were added challenges that faced people with disabilities. Furthermore, stated that the fundamental principles of disability is that disability is something imposed on top of impairments and that people with disabilities become unnecessarily isolated and excluded from full participation in society. Shakespeare (2006: 199) points out that: 'The social model thinking mandates barrier removal, anti-discrimination legislations, independent living and other responses to social oppression. From a disability rights perspective, social model approaches are progressive, medical model approaches are reactionary.'

A publication by the University of Leicester (2007) in the United Kingdom made a distinction between the two models, stating that the medical model of disability views disability as a problem that belongs to the disabled individual and that is not seen as an issue of concern to anyone other than the individual affected. In contrast, the social model of disability draws on the idea that it is society that disables people, through designing everything to meet the needs of the majority of people who are not disabled. The University of Leicester (2007) furthermore states that the social model recognises that there is a great deal that society can do to reduce, and ultimately remove, some of these disabling barriers and that this is the responsibility of society, rather than persons with disabilities.

f) 'Universal design'

The CRPD (2008: 04) defines universal design as 'the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities when is needed.'

The term 'universal design' was created by the architect Ronald L. Mace, who was the founder and programme director of the Centre for Universal Design at North Carolina State University. He described the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, size or status in life (Mace, 1998). In his last speech, which was delivered at *Designing for the 21st century*, the first international conference on universal design, Mace (1998) noted the importance of understanding the terminology, the definitions and the differences between barrier-free design, universal design and assistive technology.

Mace (1998) pointed out that 'barrier-free design' is what it used to be called issues of access and its focuses more on disability, the removal of architectural barriers through the building codes and regulations is barrier free design. (Mace ,1998) cited that the American Disability Act Standards (ADA) is barrier free design which focuses on disability and accommodating people with disabilities in the built environment. The "universal design" broadly defines the user and it is consumer market driven issue as it focuses not specifically on people with disabilities, but all people. Universal design actually assumes the idea, that everybody has a disability. "Assistive technology" is personal use devise for individual to compensate or help one function with a disability.

2.3 CONTENT OF THE LITERATURE REVIEW

2.3.1 A human rights approach to disability

The UN Universal Declaration of Human Rights of 1948 was the first major step in the creation of a United Nations human rights system (Rioux & Carbert, 2003) The declaration recognised that all people have certain civil, political, economic, social, cultural and development rights, despite differences between individuals. This is noted as the beginning of a human rights movement, with the UN subsequently developing many international human rights instruments. The shift towards a human rights system increased as

governments started viewing the rights of their citizens in a manner consistent with international human rights codes and with international human rights initiatives. The UN started moving towards addressing disability within a human rights context (Rioux & Carbert, 2003).

The adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities by the UN General Assembly in 1993 signified the UN's endorsement of the human rights approach to disability, the empowerment of people with disabilities and increased structural access promoting accessibility and whereby global governments were encouraged to develop programs of action that will ensure accessible physical environments and access to information and communication (Rioux & Carbert, 2003).

Rioux and Carbert (2003) argue that a human rights approach gives a role and duty that society is obliged to provide mechanisms which are necessary for individuals to realise their rights. In the case of persons with disabilities, the role and duty of society may involve the provision of support, services, aids to enable social and economic integration, self-determination, and the enjoyment of legal and social rights. Underlying this presumption is the principle that all people have the right to participate and to exercise self-determination as equals in society (Rioux & Carbert, 2003).

Shakespeare (2006) cites that the disability rights movement dates back three decades whereby people with disabilities have always challenge the historic oppression and exclusion of people with disabilities. Shakespeare (2006: 197) states:

> *Key to these struggles has been the challenge to over-medicalized and individualist accounts of disability. While the problems of people with disabilities have been explained historically in terms of divine punishment, karma or moral failing, and post-enlightenment in terms of biological deficit, the disability movement has focused attention onto social oppression, cultural discourse, and environmental barriers.*

Shakespeare (2006) argues that the social model thinking mandates the removal of barriers, anti-discrimination legislation, independent living and other responses to social oppression. Therefore, from a disability rights perspective, the social model approaches are progressive. The social disability model applies to the values of human rights-centred

approach, whereby all individuals have equal rights and are entitled to full economic and social participation in society.

Shakespeare (2006: 199) states that, for more than ten years, a debate has raged in Britain about the value and applicability of the social model and the response to critiques, academics and activists maintain that the social model has been misunderstood, misapplied, or even wrongly viewed as a social theory, although many leading advocates have maintained that the social model approach is the essential insights developed by UPIAS in the 1970s still remain accurate and valid three decades later.

The UN's *World report on disability: 2011* (2011) states that the responses to disability have changed since the 1970s, with the self-organisation of persons with disabilities and the growing mind shift towards human rights-centred approach. Historically, persons with disabilities have largely been provided for separately, for example, in residential institutions and special schools. Policies have now shifted towards community and educational inclusion, and medically focused solutions have given way to more interactive approaches that recognise that people are disabled by environmental factors as well as by their bodies (WHO, 2011).

Thereof, the increasing international attention to the rights of persons with disabilities is human right has led to a number of significant international human rights commitments. The UN, in response to the human rights crisis faced by people with disabilities, initiated a number of platforms focused on disability rights. The outcome of the human rights approach perspective saw the adoption of the World Programme of Action Concerning Disabled Persons (1982) and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. These developments illustrate a growing phenomenon that disability is a human rights issue which is based on a human rights-centred approach (Rioux & Carbert, 2003).

Therefore, creating opportunities and platform for persons with disabilities which led to the adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2006 (WHO, 2011).

2.3.2 Implementing the social disability model

Priestley (1997) cites the agreement on the fundamental principles of disability by the Disability Alliance and UIPAS in the meeting that was held in November 1976:

> *Fundamental principles to which we are both in agreement: disability is a situation, caused by social conditions, which requires for its elimination, (a) that no one aspect such as incomes, mobility or institutions is treated in isolation, (b) that disabled people should, with the advice and help of others, assume control over their own lives, and (c) that professionals, experts and others who seek to help must be committed to promoting such control by disabled people.*

According to the *Disability studies reader* (Shakespeare, 2006: 197), 'In many countries of the world, people with disabilities and their allies have organised over the last three decades to challenge the historical oppression and exclusion of people with disabilities.' Many scholars cite that the social disability model was an adopted approach led by UPIAS, based in the United Kingdom (UK). As discussed, UPIAS was a small, hard-core group of people with disabilities, inspired by Marxism, who rejected the liberal and reformist campaigns of more mainstream disability organisations (Shakespeare, 2006).

Other key organisations have also been instrumental in bringing disability on to the political agenda, namely, the Disablement Income Group (DIG), formed in 1965 (Barnes & Mercer, 2004). DIG opted to pursue traditional pressure-group activity in order to advance the social and economic conditions of disabled people. Other groups initiated campaigns on specific issues such as accessible housing, supported living in the community and integrated education. Thereafter, two distinct models of disability were derived: the medical model and the social model.

Dr Raymond Lang (2009), in his critique of the social model of disability, argues that the social model should not be considered as a monolithic entity, but rather as a cluster of approaches to the understanding of the notion of disablement. Lang (2007: 2) further argues that 'common to all variants of the social model is the belief that, at root, "disability" and "disablement" are socio-political constructions. It is therefore the inhospitable physical environment, in concert with the negative social attitudes that

disabled people encounter which result in the systematic oppression, exclusion and discrimination of disabled people.'

Lang (2009) makes reference to writers such as Hughes and Paterson (1997), who maintain that the relationship that exists between disabled people and their bodies is mediated through medicine and therapy, devoid of policy and political analysis. Lang (2007) furthermore argues that such an approach results in the dualism of a medical analysis of disabled peoples' bodies and a political analysis of disabled peoples' social existence.

Lang (2007) also makes reference to feminist disability theorists, such as Liz Crow (1996) and Jenny Morris (1991), stating that they have called for the social model of disability to be reconceptualised, to incorporate a sociology of impairment. Lang (2007: 20) states that:

> *Jenny Morris (1991) maintained that the social model has effectively denied the fact that the physical and emotional pain and suffering experienced by disabled people due to their impairments has any impact upon their practical daily living. The sharp distinction drawn between disability and impairment has compartmentalized bodily experience from social experience - pain from politics. In addition, Liz Crow (1996) has persuasively argued that the social model of disability has not made adequate accommodation for the subjective experiences of pain, fatigue, depression, and to an extent, the uncertainty that disabled people inevitably experience as a result of their impairment. The existence of impairment is indeed an objective reality as well as being subjectively experienced.*

Carson (2009) defines the medical model of disability to be understood as an individual problem; if a person has an impairment (maybe visual, mobility or hearing impairment), their inability to see, walk or hear is understood as their disability. Carson (2009) furthermore notes that this kind of definition is so seriously at odds with the daily experiences of persons with disabilities that it was inevitable that change had to come and it was clear to persons with disabilities that, in the absence of any cure, their impairment must be regarded as a given which was a constant factor in the relationship between themselves and the society with which they attempt to interact.

Carson (2009) points out the negative impact to society at definition of medical model is when people such as policymakers and managers think about disability in this individual

way they tend to concentrate their efforts on 'compensating' persons with disabilities for what is 'wrong' with their bodies examples providing of 'special' welfare benefits at them and providing segregated 'special' services for them rather than took account of the many individuals with their particular impairments and dealt with the effect on such individuals of their social and physical environment (Carson, 2009).

Many scholars and researchers have acknowledged that the social model was the creation of persons with disabilities themselves. Carson (2009) agrees that it was primarily a result of society's response to them, but also of their experience of the health and welfare system which made them feel socially isolated and oppressed, which was embedded in the denial of opportunities, the restriction of choice and self-determination, and the lack of control over the support systems in their lives, and which led them to question the assumptions underlying the traditional dominance of the medical model (Carson, 2009).

2.3.4 Built environment accessibility

The Irish National Disability Research Agenda (O'Herlihy & Winters, 2005) stated that accessibility of the built environment is a key factor in achieving greater independence, participation and social inclusion for persons with disabilities. Furthermore, an inaccessible built environment affects all members of society, including pregnant women and elderly. The barriers of inaccessible built environments infringe the right to equal participation in society and the negative impact is much greater for persons with disabilities.

The *World report on disability* (2011) reported that more than one billion people, or 15% of the world's population, experience some form of disability. Persons with disabilities face many obstacles in their physical environment that prevent them from fully exercising their rights and participating in social, cultural and professional life on an equal basis with others. A barrier-free environment is key to the social inclusion of persons with disabilities and improved accessibility also benefits society as a whole. These are same opinions reported in the Irish National Disability Research Agenda (O'Herlihy & Winters, 2005) including other research studies. The Irish National Disability Research Agenda (O'Herlihy & Winters, 2005) states that accessible built environments can facilitate greater social inclusion to a barrier-free society, as have been raised by many scholars.

The development of inclusive policies can shape the effective implementation of a barrier-free society, whereby universal design and access in built environment in an adopted approach. On a daily basis, not only persons with disabilities are faced with barriers relating inaccessible built environment, but also pregnant women, older people and others who are also effectively excluded from participating as equal citizens.

In many countries, the national policies in place recognise the key element of social inclusion, although the issue of accessible built environments has not been fully recognised in understanding the negative impact on the lives of persons with disabilities and on their level of social participation. Legislation and regulations play a vital role in introducing measures to improve built environment accessibility and therefore will improve the independence of persons with disabilities (O'Herlihy & Winters, 2005) .

Human Rights Watch (2013) published *Barriers everywhere: Lack of accessibility for people with disabilities in Russia*, noting the intervention taken by Russian government to show its commitment to ensuring the rights of persons with disabilities as stated by the CRPD. The CRPD obligates states to protect equal enjoyment of all human rights and fundamental freedoms by persons with disabilities. Human Rights Watch (2013) notes that a key component of implementing the CRPD in Russia was a four-year multibillion-rouble plan called the Accessible Environment 2011–2015 programme. The programme involved federal funding and advisory support to increase access for persons with disabilities to education, healthcare, information, transportation, and other public services in several Russian regions.

The interviews conducted by the Human Rights Watch (2013: 28) state that among the many obstacles facing persons with disabilities was accessing city administrative buildings in order to vote, filling out benefits forms and participating in public hearings.

> *In Sochi, for example, Alexander Simyonov, a disability rights activist, frequently consults with the city administration on accessibility for people with disabilities. He told Human Rights Watch that he is unable to attend public hearings at the Sochi City Administration because the elevator in the building does not go to the third floor where the hearings are held: 'They used to lift me up the stairs in my wheelchair, but this became so unpleasant that I stopped wanting to go.'*

Among the many other challenges identified by Human Rights Watch (2013) was inadequate enforcement of local accessibility laws. However, the report notes that these laws do not define clear mechanisms for enforcement, leaving enforcement to the discretion of regional and city governments. The concern that was also noted that builders or building owners frequently secure signatures without Disabled People's Organisation representatives actually visiting the facilities. In addition, those representatives are not part of the development, planning, design and other building processes (Human Rights Watch, 2013).

2.3.4 Universal design

Case (2003), in her *Universal design policy report*, refers to Ron Mace's (1998) definition of 'universal design': 'The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.'

Case (2003) further notes that the concept of universal design has its roots in the field of architecture and that some of the historic background to the concept dates back in the 1950s Japan, United States (US) and Europe. The concept of universal design encompasses removing obstacles for persons with disabilities, which in turn entails retrofitting buildings and changing the methodology for designing new ones. The concept has evolved from 'barrier-free' design to universal design.

Case (2003) notes a significant change around the concept of universal design by referring to Fletcher (2002), who states that the World Design Congress in 1987 passed a resolution stating that designers should take disability and ageing into consideration in their work. Furthermore, the approach to universal design encompassed considering the needs of the users of a building at the onset and as other disciplines adapted universal design – product designers and industrial engineers applied the concept as they realized that better design helps everyone.

Lidwell *et al.* (2010: 16) also notes that the historic background of the accessibility concept was taken as a design focused on accommodating people with disabilities in the built environment. The concept gained momentum as knowledge and experience of accessible design increased, when it had become increasingly clear that many required

accommodations could be designed to benefit everyone. Lidwell *et al*. (2010) note that the principle of accessibility stresses that products and environment should be designed to be utilised by people of diverse abilities.

Imrie and Hall (2001) further argue that accessibility in the physical environment is a large and complex matter that is linked in some part to policies, practices and values of professionals who are involved in property, design and construction processes. According to the European Commission Report (1996: 7), 'to ensure equal chances of participation in social and economic activities, everyone of any age, with or without disability, must be able to enter and use any part of the physical environment as independently as possible.'

Imrie and Hall (2001: 5) comment on the concerns raised on the subject matter of the complexity of the physical environment, noting concerns from some of the researchers who have conducted research on the accessibility of persons with disabilities in the built environment. There are three points of concerns that are key to understanding the design and development of accessibility for people with disabilities in built environments, as noted by Imrie and Hall (2001: 5): the first concern being the separation of persons with disabilities in the built environment due to wider, negative societal attitudes towards disability, particularly amongst policy professionals; the second concern is that the weaknesses of disabled people's organisations are failing to politicise the demands of their constituents, and the third concern is the absence of strong regulatory controls over the actions and operations of developers.

Imrie and Hall (2001) argue that a drawn inference of inattentiveness to and exclusion of the needs of persons with disabilities in all stages of design and development of the built environment.

Imrie and Hall (2001: 15) explain the concept of universal design by using the table below, sourced from the Center for Universal Design (1997):

Principle	**Description**
Simple and intuitive use	The use of design is easy to understand regardless of the user's experience, knowledge, language skills or concentration levels

Equitable use	The design does not disadvantage or stigmatise any groups of users
Perceptible information	The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities
Tolerance for error	The design minimises hazards and the adverse consequences of accidental or unintended fatigue
Flexibility in use	The design accommodates a wide range of individual preferences and abilities
Low physical effort	The design can be used efficiently and comfortably and with a minimum of fatigue
Size and space for approach and use	Appropriate size and space is provided for approach, reach, manipulation and use, regardless of the user's body size, posture or mobility

The Centre for Universal Design (1997) states that these principles of universal design address only universally usable design, while the practice of design involves more than consideration for usability. Designers must also incorporate other considerations such as economic, engineering, cultural, gender, and environmental concerns in their design processes. The principles also offer designers guidance to better integrate features that meet the needs of as many users as possible. Not all guidelines may be relevant to all designs.

Imrie and Hall (2001: 3) state that the provision of access to buildings for persons with disabilities has become a more important dimension of property development in developed countries, referring to Barnes' (1991) observations on the construction of the physical environment that construction had been done without taking into account the needs of persons with disabilities. Imrie and Hall (2001: 3) further point out that inaccessible and poorly designed physical environments is a violation of human rights of persons with disabilities.

Lidwell *et al.* (2010: 16) identify the four characteristics of accessible designs as: perceptibility, operability, simplicity and forgiveness. Lidwell *et al.* (2010: 16) further

explain each characteristics of each phenomenon: 'Perceptibility is achieved when everyone can perceive the design, regardless of sensory abilities… Operability is achieved when everyone can use the design regardless of physical abilities… Simplicity is achieved when everyone can easily understand and use the design, regardless of experience, literacy, or concentration level… Forgiveness is achieved when designs minimize the occurrence and consequences of errors.'

Edward Steinfeld, in his article 'Time to think differently' (2012), argues that accessibility is about diversity and that it does not always apply only to people with disabilities but to a vast population in society. Steinfeld (2012) notes the need for diversity in the built environment, and for designers and planners to consistently practice to design for diverse social opportunities. Steinfeld (2012) further argues that, in order to address accessibility effectively, a gap of knowledge with designers and planners, and the importance of transferring knowledge about diversity, have to be acknowledged, as it is a much larger and more complex problem.

Steinfeld (2012) acknowledges the long existence of the concept of universal access and design, in contrast to the views of many design professionals who think that 'universal access' is a new buzzword for universal design. Steinfeld (2012) argues that the earlier definitions and publications of universal access and design did not help to overcome diversity in physical environment, because many design professionals were too focused on design to support function rather overcome diversity. Steinfeld & Maisel (2012) define the universal design concept as a radically different concept stating that 'universal design applies all the lessons learned over 50 years about human centred design to all environments, products, and services. It is not the province of technical specialists or experts in a specialized building type. Universal design is a process that enables and empowers a diverse population by improving human performance, health and wellness, and social participation.'

2.4 CONCLUSION

The human rights-based approach acknowledges that the rights of people with disabilities are human rights. Therefore, the UN's human rights instruments system has played a significant role in ensuring that global government acknowledge the set standards. The UN

Convention on Rights of Persons with Disabilities is seen as a successful convention that has managed to legally bind countries to take action towards empowerment and development on disability issues.

The adoption of the social model is viewed by many scholars and researchers to have taken significant strides towards the realisation of the social inclusion of persons with disabilities. The social model being realised its practicalities in the UN Convention on Rights of Persons with Disabilities as it is seen as the most progressive human rights tool.

The literature surveyed herein reflects that there are complex issues of accessibility for persons with disabilities in the built environment,t as they are supposedly to be creating a valued service delivery chain. The inclusion of persons with disabilities plays an important link from planning, policy development, practices and values of professionals who are involved in property, design and construction.

Lidwell *et al*. (2010) state that the principle of accessibility stresses that designs in the physical environment should be utilised by people of diverse abilities, without applying adaptations or modifications into physical environment. Much of the literature has raised as a concern the inability to address the needs and the exclusion of persons with disabilities in the built environment because of wider, negative, societal attitudes towards disability, particularly among policy developers, design professionals and planners (Lidwell *et al.*, 2010).

The themes emerging in this research study are as follows:

- The inclusion of persons with disabilities in the built environment requires accessibility from planning, policy development, practices in the property, design and construction.
- The sensitisation and values of professionals who are involved in property, design and construction are very important as they play significant role in creating a value service delivery chain.
- The principle of accessibility requires that designers of the physical environment provide an environment that can be utilised by people of diverse abilities, without applying adaptations or modifications to the physical environment.

- The knowledge and mind set of the human rights value principle contributes towards addressing the needs and the inclusion of persons with disabilities in the built environment, because it eliminates the wider, negative, societal attitudes towards disability, particularly among policy developers, design professionals and planners.

In light of the emerging themes, it has been noted that many sources have identified a need for diversity in the built environment, calling for designers and planners to consistently practice to design for a diverse population. An inaccessible and poorly designed physical environment is an infringement of on the rights of people with disabilities. Therefore, in light of the reviewed literature, the study intends to investigate and to understand why there has been little progress in the refurbishment of government buildings to ensure accessibility for people with disabilities.

CHAPTER THREE:
RESEARCH METHODOLOGY

3.1 INTRODUCTION

This chapter discusses the research approach in investigating the DPW's interventions to provide accessible government buildings for persons with disabilities. Interviews were conducted with relevant officials (project managers, architects and managers of the accessible programme) who are implementers of the accessibility programme. The data collected was derived from primary sources and secondary sources. Primary sources include reports, white papers, memos, committee minutes and unstructured interviews. Secondary sources include journals, literature on the theory from previous research and DPW official documents, including strategic plans, policies and legislation.

3.2 RESEARCH APPROACH

The study adopted a qualitative research approach, which has been defined by van Maanen (1979: 520) as an '"umbrella" phrase covering an array of interpretive techniques which seek to describe, decode translate, and otherwise come to terms with the meaning of naturally occurring phenomena in the social world'. Furthermore, Welman *et al*. (2005) state that it explores current theories within the social phenomena described as 'life-world', meaning the world as lived by a person and not some entity separate from or independent of him or her. Neuman (2006: 157–8) notes that qualitative research emphasises the social context for understanding the social world; it involves documenting real events, recording what people say, to have personal insight, feelings and human perspective .

Therefore, it was appropriate to use the insightful methodology, the critical social science (CSS) approach, which refers to methods to attempt to dig beneath the surface of historically specific, oppressive social structures (Harvey, 1990). Harvey (1990) points out

that the critical social science method refers to the way empirical data is collected and ranges from asking questions, through reading documents, to the observation of both controlled and uncontrolled situations. Harvey (1990) notes that, within nation states, national and religious oppression still occurs. Today's sociological analyses tend to address age, disability and sexuality as oppressive mechanisms.

This approach considers disability as another phenomenon of the central oppressive mechanism. Historically, the rights of persons with disabilities have been limited in the human rights agenda, hence the disability rights movement reports on many challenges experienced by persons with disabilities. The barriers in accessing services that many of persons without disabilities have long taken for granted include health, education, employment, transport, physical environment, as well as access to information. These barriers are exacerbated in less advantaged communities.

The UN *World report on disability* (2011) raises concerns that poverty and marginalisation of persons with disabilities have always been an issue, with little attention being attended. Creating an increasing attention across the world, as persons with disabilities have poorer health outcomes, lower education achievements and less economic participation. The increasing international attention to the rights of persons with disabilities has led to a number of significant international human rights commitments. The UN, in response to the human rights crisis faced by persons with disabilities, has initiated a number of platforms focused on disability rights.

The outcome of human rights-centred perspective saw the adoption of the World Programme of Action Concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. These developments illustrate a growing phenomenon that disability is a human rights issue which is based on a human rights-centred approach (Rioux & Carbert, 2003). The method of critique and understanding the transforming social relations are crucial and can be done by revealing the underlying sources of relations and empowerment of people (Neuman, 2006: 95). As also noted by Harvey (1990), critical social research is a way of approaching the social world in which critique is central.

The shifts towards the human rights system enormously increased when governments started viewing the rights of their citizens in a manner consistent with international human rights codes and with international human rights initiatives that the UN started, moving towards addressing disability within a human rights context (Rioux & Carbert, 2003).

The UN's *World report on disability* (2011) raises the concern that more than one billion people, or 15% of the world's population, experience some form of disability. Persons with disabilities continue to face many obstacles in their physical environment, preventing them from fully exercising their rights and participating in social, cultural and professional life on an equal basis with others. The report notes that a barrier-free environment is key to social inclusion of persons with disabilities and that improved accessibility also benefits society as a whole.

The qualitative research method that was adopted emphasises intimate first-hand knowledge of the research setting, whereby it allows a personal insight, feelings and human perspective in understanding the social life fully (Neuman, 2006). The South African government, in its adoption of the human rights value principle, undertook the commitment to realise the rights of persons with disabilities. The Republic of South Africa ratified the CRPD in 2008 and has since taken strides by putting in place progressive frameworks. Integrating the rights of persons with disabilities was responsive to the human rights value principle, as entrenched in the Constitution. The adopted human rights-based approach has since been embedded in the South African Constitution, shifting towards giving rise to prioritising the promotion and recognition of persons with disabilities. The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) makes provisions to facilitate 'the transition to a democratic society, united in its diversity, marked by human relations that are caring and compassionate, and guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom' (Parliamentary Justice Report: 2006). The PEPUDA made significant legislative implications regarding building regulations which should play an important role in improving built environment accessibility and social inclusion.

The SAHRC report *Towards a barrier-free society* (2002) states:

> *Major steps have been taken since 1994 to ensure that people with disabilities will not continue to be subjected to the discrimination, inequities and exclusion of the past. An enormous task remains, however, in transforming the institutions, attitudes, practices, buildings, facilities and environments that continue to deny people with disabilities their rights to dignity, equality and freedom. The South African Human Rights Commission has a responsibility to participate in and drive this process.*

It is in this context, as noted by Merriam and Associates (2002: 4), that 'drawing from critical theory, one might also investigate how the social and political aspects of the environment shape the reality'. The key to qualitative research lies with the idea of what is social constructed by individuals in interaction with their world.

This research study takes an in-depth look at the DPW's social relations and empowerment of persons with disabilities in relation to the implementation of the Accessible Environment programme, including the DPW's nature of operations, settings, processes, relationships, systems in DPW management plans when addressing the Accessible Environment programme. The DPW accessibility programme intends to enhance access of government buildings for persons with disabilities which has a significant impact to their livelihood and social relations.

The DPW's Accessible Environment programme reports reflect that, since the inception of the programme in 2008, annual targets have never been met. An assessment report on Pretoria's accessibility projects, which were allocated in 2011, shows they were only completed in 2014 with defects. Therefore, it is vital to investigate the lack of progress in accessibility and determine whether it is lack of prioritisation or budget constraints, or any other factors involved in contributing to the lack of meeting annual targets as set by the department. The compliance issues to the set norms and standards, as set legal requirements of the National Buildings Regulations Act 103 of 1977 (as amended in 2008), indicate little has been done since the promulgation of the policy. Some of the completed projects reflect poor quality of meeting the legal requirements and poor alignment of policies in terms of consultations with relevant stakeholders in the disability sector.



Figure 3: Non-Compliant completed projects under the Department of Public Works accessibility programme .



Figure 4: Non-Compliant completed projects under the Department of Public Works accessibility programme.



Figure 5: Non – Compliant in terms of SANS 10400- 2011

Figures 3 to 5 reflect the poor quality of some of the completed projects in the accessibility programme.



Figure 6: Ramp before



Figure 7: After Ramp



Figure 8:Toilet before



Figure 9: Toilet meeting the minimum standards

Figures 6 to 9 reflect before and after the completion of an accessibility project at the Wynberg Magistrate's Court.

3.3 DATA COLLECTION

3.3.1 Primary data

Data collection was done through semi-structured interviews telephonically and face to face. The interviews with solicited participants consisted of semi-structured interviews to allow flexibility and to give room for unplanned questions. These interviews were based on the research questions, also allowing for the interviewee's opinions and attitudes. However, some interviews were conducted telephonically due to the interviewees being unavailable and the distance as some are located in different provinces.

The collection of the DPW's accessibility reports, visual materials of government buildings as it is important to support the theoretical arguments and theoretical analysis connecting to the collected data as noted by Bryman (2012). The data collected on information about the government buildings specifically allocated for accessibility programme, the historical background of the programme, economic and social factors on accessibility for persons with disabilities.



Figure 10: Entrance to one government buildings. This picture tells a thousand words of the barriers and challenges of inaccessible government buildings.

The picture of the National Treasury was taken by Andy Smith from the QuadPara Association of South Africa (QASA), who also notes his concern:

If the building is a rather old building, like for example the Department of Finance in Church Square, it becomes very important to have some kind of signage indicating where someone in a wheelchair may enter the building. I gave up trying to get into the Department of Finance. This will prevent the embarrassment of a wheelchair user having to stop some random member of public and ask them to enter the building to find someone who might possibly know how they can enter the building. After lodging a formal complaint and given the assurance that something would be done about it, I visited the same building about three months later only to find that they have provided a removable ramp which someone had placed right in front of the column! (Smith, presentation to the DPW Disability Committee Orientation, 2012 22 November)

Among other questions asked were the participant's beliefs and perspectives about the fact-based information, the participant's feelings around compliance with the National Building Regulations Act of 1977 (as amended in 2008), and the present and past behaviours in addressing accessibility for persons with disabilities in government buildings. The understanding of today's trend in terms of the SANS 10400 2011 minimum standards of facilities for persons with disabilities and the concept of universal access and design in government buildings.

Collection of the data on asset user management plan and customer asset management plan; strategic plans and policies on DPW immovable asset management; conduct unstructured interviews with DPW policy developers, DPW technical professionals in the area of built environment, qualified experts in the area of universal design in the built environment including persons with disabilities.

Herein is the list of participants:

Name of participants	Category	Job titles
1. Mrs Zandile Ramaru	Immovable Asset Management (Portfolio: Performance Management – Justice and others)	Deputy Director
2. Mr Linda Mampuru	Professional Services and Projects	Chief Architect
3. Mrs Helena Nienaber	Professional Services and Projects	Chief Architect
4. Mr Godfrey Mphaphuti	Statutory Compliance	Health and Safety
5. Mr Frans Motimele	Professional Services and Projects	Project Manager
6. Mr Willem Botha	Statutory Compliance	Health and Safety
7. Mr Lesetja Papo	Professional Services and Projects	Project Manager
8. Mr Simon Motlouti	Statutory Compliance	Health and Safety
9. Ms Mandy Latimore	QuadPara Association of South Africa (QASA)	Professional Consultant on Built Environment Accessibility
10. Mr Danie Marais	National Council for Persons with Physical Disabilities in South Africa (NCPPDSA).	Programme Manager
11. Mrs Denetia Maluleka	Professional Services and Projects	Project Manager
12. Ms Nompumelelo Mangcengeza	Professional Services and Projects	Project Manager

3.3.2 Secondary data

The research study looked into the conduct of the DPW's implementation of policies to understand whether there is a low or high level of understanding when implementing the accessibility programme; to determine whether control measures are taken into account in alignment with the policies, and to find out whether or not significant transformation regulations and policies (specifically PEPUDA and CRPD) have high or low prioritisation in the accessibility programme.

The use of secondary data means using existing data available in the public realm to test the hypothesis (Haley, 2003). The use of secondary data ensures that that research addresses the research question (Haley, 2003). The questions were related to fact-based information from the CRPD, PEPUDA, the Government Immovable Asset Management Act No. 19 of 2007 (GIAMA) and asset register reports. The research conducted a document analysis of national and DPW policies which are aimed at promoting accessibility of government buildings for persons with disabilities., to assess what is in the policy against what is practice by DPW.

3.3.3 Sampling

Welman *et al*. (2005) state that a 'population' is a group of potential participants to whom the social research wants to generalise the results of the study. 'This aspect of generalizability is extremely important: it is only when the results can be generalised from a sample to a population that the results of research have meaning beyond the limited setting in which they were originally obtained.' Welman *et al*. (2005: 55)

Four groups were solicited for participation. The first group comprised DPW policy developers from the Investment Asset Management branch, and the Construction and Property Policy branch, who were involved in the development of the GIAMA framework. The second group comprised DPW technical professionals (such as architects and engineers) from the Professional and Projects branch, who are designers and planners of government buildings. The third group comprised qualified experts in the area of universal access and design in the built environment, who are used for quality assurance purposes (who are the organisations for persons with disabilities advocating on accessibility in government buildings for persons with disabilities). The fourth group comprised DPW project managers from the Professional and Projects branch who are in charge of DPW construction projects.

The random purposive sampling method was used in the research, to qualify data gathered, and thus the reliability and competence of the participants must be ensured (Tongco, 2007). The identified participants provided information by virtue of knowledge and experiences as each one had been working in their areas of expertise for more than five years.

A minimum of three officials were solicited from each DPW branch and external consultants, resulting in a total of 12 participants. According to the confirmation of fact analysis, a sample of less than three officials may not provide enough statically for hypotheses. In order to achieve minimum participation requirement from each group, an involvement of more than one official from each DPW branch was important, as they comprise of many sections in each branch; for instance, the Investment Asset Management branch also includes an asset register section and portfolio performance management, and the Professional and Project branch has two separate sections: the professional services and project management. The external consultants come from various organisations that specialise in universal access and design in the built environment. This adopted population sample made the research flexible due to variability in size of participants.

Sample breakdown

Category	**Sample Size**	**No. of people interviewed**
Immovable asset management	1	1
Architects	3	3
Project Managers	4	4
Occupational Health and Safety (Statutory Compliance)	3	2
External Consultants	2	2
Total	**12**	**12**

CHAPTER FOUR:
DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

In total, 12 participants were interviewed. Four participants' interviews were conducted face to face and eight participants' interviews were conducted telephonically as they were based in other DPW regional offices (Polokwane and Durban). Ten participants worked in various departments within the DPW (architects, project managers, occupational health and safety, and immovable asset management) and two participants came from organisations for persons with disabilities (National Council for Persons with Physical Disabilities in South Africa and QuadPara Association of South Africa). Most of the participants had been employed by DPW for more than five years in their various positions.

4.2 STATUS QUO REPORTS ON the DPW ACCESSIBILITY PROGRAMME

4.2.1 Status quo as at 29 February 2016–2015/16

Region	Completed (based on expenditure report and not completion certificates)	Construction	Planning	Pi rejected/ project cancelled	Reasons	Total
Mmabatho	3	2	3	1	The project will not meet the actual needs on site.	9
Nelspruit	6	1	7	1	Project to be incorporated in another project to be	15

					executed in the building	
Polokwane	13	1	0	0	-	13
Port Elizabeth	4	2	0	0	-	6
Pretoria	3	1	5	1	1 project in status 3b will not go ahead due to budget constraints	10
Mthatha	7	1	2	0	0	10
TOTAL	**42**	**11**	**49**	**56**		**158**

4.2.2 Budget

Financial year	Allocation	Expenditure	Spend percentage
2008/09	R1 798 381	R1 798 380	100
2009/10	R20 000 000	R14 614 351	73
2010/11	R25 000 000	R18 978 416	76
2011/12	R25 000 000	R11 385 528	46
2012/13	R 23 556 036	R 4 991 808	21
2013/14	R25 000 000	R1 280 397	5

2014/15	R11 369 000	R10 155 806	89
2015/16	R8 700 000	R5 803 145	67
2016/17	R20 000 000	R0	0
(Total)	**R 160 423 417**	**R 69 007 831**	

4.2.3 Expenditure: 2015/16 as at 29 February 2016

Region	Allocation	Expenditure	Balance	% Spent
Bloemfontein	36 297	67 065	-30 768	185%
Cape Town	1 082 705	394 911	687 794	36%
Durban	50 000	0	50 000	0%
Johannesburg	221 919	61 919	160 000	28%
Kimberley	26 100	26 100	0	100%
Mmabatho	2 937 323	1 948 670	988 653	66%
Nelspruit	794 424	288 794	505 630	36%
Polokwane	154 407	173 440	-19 033	112%
Port Elizabeth	1 788 745	1 413 339	375 406	79%
Pretoria	1 212 465	919 304	293 161	76%
Umtata	395 615	227 930	167 685	58%
Total	**8 700 000**	**5 521 471**	**3 178 529**	**63%**

4.4 PRESENTATION OF FINDINGS AND DATA ANALYSIS

In the methodology section, it was noted that the participants were identified as per skills, knowledge and experience in the built environment. In conducting the data analysis, the first process followed was the collation of participants' responses in accordance of each interview to assist in analysing how each participant responded to each question. It is

important to note that there were a number of similarities between each participant's responses and also other different points of view. The researcher could easily point out a number of agreed or shared common views. Secondly, the linkages that were drawn and key themes emerged in terms of their responses. The following key themes emerged:

1. Participants' knowledge and experience in relation to accessibility
2. Participants' feelings and points of view regarding the implementation of accessibility programme by the DPW
3. Participants' knowledge of the rights of persons with disabilities
4. DPW's accessibility policies
5. External participants' experiences and points of view of the DPW accessibility programme
6. Areas of improvement in the implementation of the accessibility programme.

4.4.1 Participants' knowledge and experience in relation to accessibility

In general, all the participants were mostly aware of the concept of accessibility in the built environment, as set out in the National Building Regulations, Part S, on Facilities for Persons with Disabilities. The DPW adopted the SANS and developed policy document PW350 on Facilities for persons with disabilities, which is a guideline to all DPW construction projects. They all agreed on the mandate of DPW to comply with these regulations sets as norms and standards. These norms and standards are always part of any construction project in the construction of new buildings and the renovation and refurbishment of old buildings in all state-owned buildings.

However, most of the participants felt that the built environment in which they are expected to implement accessibility projects is not exposed enough on built environment accessibility. The participants indicated that negative societal attitudes towards disability could be one of the contributing factors. The lack of knowledge of built environment accessibility creates challenges as some of the contractors do not fully comply with SANS in their accessibility projects. One participant (architect, interviewed 24 February, 2016) stated: 'The teams at planning stages, they are not elaborative with built environment accessibility, what satisfies them at the planning stage is following the National Building Regulations – perhaps there could be more attention paid to reviewing purely Part S is not adequate or not during planning stages. What other intervention can be done at the

planning stages.' A participant pointed out that the operational processes might also be flawed (Portfolio Performance Manager under the Immovable Asset Management, interview 1 March, 2016): 'The procurement instruction issued by Key Account Management Unit with attached notification reflect three policies to be followed – this might confused the contractor on which is the relevant policy that can assist in terms of compliant.' The participant pointed out that there is no clear communication with contractors on how to effectively implement the norms and standards of the National Building Regulations and the turnaround time of accessibility projects. The expressed concern regarding lack of multiple partnerships at planning stages, design and operation result in an ad hoc approach in many projects (Occupational Health and Safety under the Statutory Compliance, interview 10 February, 2016; Architect, interview 24 February, 2016). In their experiences, they have noticed occupational health and safety are not involved in planning stages with and yet they are the relevant ones who always check the statutory compliance of buildings. In most cases, they are called in the close out of the project to check compliance. The unit on the statutory compliance is mainly involved with occupational health and safety throughout the life span of the building.

Edward Steinfeld, in his article 'Time to think differently' (2012), raises concerns around the implementers of accessibility in the built environment. Steinfeld (2012) notes the need for diversity in the built environment, and for designers and planners to consistently practice designing for diverse social opportunities. Steinfeld (2012) further argues that, in order to address accessibility effectively, a gap of knowledge with designers and planners has to be acknowledged and the importance of transferring knowledge about diversity designing as it is a much larger and more complex problem. The participants acknowledged the importance of diversity in the built environment and the pressure of what is at stake in ensuring accessibility in state owned buildings.

4.4.2 Participants' feelings and points of view regarding the accessibility programme

The participants who are involved in the implementation of the accessibility programme of the DPW expressed their concern around the turnaround of the project. One participant (Portfolio Performance Manager under the Immovable Asset Management, interview 1 March, 2016) stated that the accessibility programme was initiated by the DPW due to the case that was lodged in 2003 against the Department of Justice and Constitutional Development on the grounds of unfair discrimination. The Equality Court's ruling was that

the Department of Justice must take action to ensure all the courts are accessible for persons with disabilities. This was a landmark case and DPW had an obligation to ensure the implementation thereof. It was within this context that the accessibility programme was established by the DPW and was set into action in the financial year 2008/2009.

The participant (Portfolio Performance Manager under the Immovable Asset Management, interview 1 March, 2016) indicated that:

> *The expenditure has been poor on an annual basis owing to the small scope of work. No funds have been allocated for projects in status 3B for 2016/17 due to budget constraints. Based on the above information, Real Estate Investment Management intends to source funds in the next financial year/s to finalise the projects that are currently on status 4 and above. It is envisaged that the programme will be closed thereafter. New accessibility measures will be incorporated in other projects intended to improve the overall condition of buildings considering that the buildings identified for accessibility measures also require upgrading or refurbishment, etc.*

Some participants (Occupational Health and Safety, interview 10 March, 2016; Project Manager, interview 11 March, 2016) pointed out their concerns about the process of implementing the accessibility programme. The statutory compliance unit is mandated to conduct site inspections in all state-owned buildings, especially to existing state-owned buildings. These inspections are conducted using National Building Regulations guidelines of compliant building inclusive of disability. The unit has developed a checklist for what criteria are used in inspecting the buildings. Thereafter, a report is sent to relevant units within DPW, as well as Immovable Asset Management and Key Account Management, which operate as client liaisons with other government departments. The participants expressed the challenge in the time frame of responses to these reports in cases where they have found buildings are not compliant. The prescribed time frame for response is usually 30 days, but where danger has been identified seven days. In most cases the response exceeds 30 days or seven days, and sometimes is not met at all.

The participants noted the red tape in processes addressing the accessibility programme including other building compliance reports. One participant (Occupational Health and Safety, interview 10 March, 2016) stated: ‘There are red tape concerns regarding the turnaround of the inspection report. It takes almost eight months – too much red tape,

maybe eight to 12 months including supply chain management processes.' In most cases, the accessibility projects are planned two years ahead, but then when it comes to implementation, still another longer process will take on. There are delays in implementing most of the accessibility projects.

The time frame for projects and clear communication between stakeholders are the most common challenges experienced. One interviewee (Occupational Health and Safety, interview 10 March, 2016) pointed out that:

> *Inspection reports goes to our Head Office from Polokwane office. Thereafter, it will be on [the] relevant units, Immovable Asset Management and Key Accounts Management to decide to act on the inspection report or not. Time frame to act on the report is 30 days and when there is imminent danger seven days… Practice standard don't act at all or act after long time.*

Once the inspection report has been approved, it is handed over to the project manager who takes over on the accessibility project. The architect and quantity surveyor are requested to verify the procurement instruction within their mandate in the project. Thereafter, briefings are conducted once external consultants or contractors have been identified.

A participant (Project Manager, interview 23 March, 2016) noted that, in these briefings with consultants or contractors, the norms and standards in terms of the building regulations (Part S) are always attached to the briefings. One of the participants (Immovable Asset Manager, interview 1 March, 2016) indicated that the procurement instructions document indicates three separate minimal SANS requirements that are sometimes in conflict with each other on accessibility, without identifying the relevant one for the project. The participant indicated this may create confusion upon briefing of the external consultants and contractors, and sometimes results in noncompliance of the accessibility project. The participants noted that this matter has been left unnoticed by the project managers. One of the participants indicated that they were aware of the developed DPW Norms and Standards that were developed and aligned with the National Building Regulations, but have not been practical in use of the document when implementing accessibility projects.

The role of the architect is to ensure technical designs are compliant in accordance with the procurement instruction. As alluded to by the participants (Occupational Health and Safet,y interview 10 March, 2016; Project Manager, interview 11 March, 2016; Occupational Health and Safety, interview 23 March, 2016), further challenges include the contractors of the project failing to fully comply with the norms and standards of the building regulations. It was noted that some of the contractors did not fully comply with SANS, namely parking bays and ablution facilities for persons with disabilities (toilet door handles, taps, etc.) (Project Manager, interview 10 February, 2016). The entrances and exits in some of the buildings are distantd from the general entrance. This creates challenges for persons with disabilities, especially persons with physical disabilities.

Since the inception of the accessibility programme in the financial year 2008/2009, the prioritisation was for the service-oriented buildings, namely the Department of Home Affairs, police stations and labour centres. These buildings that were identified to take prioritisation are state-owned buildings (Immovable Asset Manager, interview 1 March, 2016). Quite a number of buildings have been modified since financial year 2008/2009 and performance reports are available.

The other challenge identified by the participants is that some of the National Building Regulations are in conflict with the National Heritage Resources Act 25 of 1999. There are buildings that have been identified for the accessibility programme, but they cannot be implemented due to the fact that such identified building is a heritage building, meaning minimal renovation and refurbishment can be done. The cost implications of renovating and refurbishing such state-owned buildings have been under scrutiny and the matter is in progress (Immovable Asset Manager, interview 1 March, 2016; Architect, interview 1 March, 2016). It is therefore important to address these issues raised by the participants in order for the accessibility programme to meet the needs of persons with disabilities under the umbrella of service delivery for all. If these concerns are not addressed, they will leave persons with disabilities feeling unfairly discriminated against.

The participants also noted budget allocation as one of the contributing factors to the progressive implementation of the accessibility programme, stating:

> *Making sure we plan for compliance, need [to] make funding available because there are financial constraints and this has been a challenge... There are overall success in*

the project but it's not easy; over the years, we have done them successfully with passion and willingness from project managers, but it is not easy dealing with procurement issues as they are tendered, as some may have less cost amount of R60 000 and mostly Grade 1 allocated. Sometimes these small projects take up to 24 months due to changing of contractors. Budget issue is the main factor. (Immovable Asset Manager, 1 March, 2016)

4.4.3 Participants' knowledge of the rights of persons with disabilities

There was a general basic understanding of the rights of persons with disabilities in terms of acknowledging the Constitution's Bill of Rights, being the right to equality. All the participants made reference to the National Building Regulations as the important source of legislation that assists and guides them to understand their mandate in implementing the right to access in government buildings for persons with disabilities. Nothing was noted by the participants regarding their insight into the rights of persons with disabilities in the global arena, or what the South African government has done towards recognising and promoting the rights of persons with disabilities. The lack of awareness of the CRPD (2008) clearly indicated their work is conducted within the ambits of limited knowledge on the rights of persons with disabilities.

The imperative role of Article 9 on 'accessibility' in the CRPD (2008) has the following dimensions: 'Physical accessibility: removing barriers in the infrastructural environment. Ensuring access to buildings, water supply and sanitation facilities, roads and transport services means designing them in a way that they are usable by all people, including all persons with disabilities.' (Worm, 2012) This was noted in the methodology that the approach considers disability as also other phenomenon of the central oppressive mechanism. The rights of persons with disabilities had always been limited in the human rights agenda. The barriers in accessing services that many of persons without disabilities have long taken for granted, including health, education, employment, transport, physical environment as well as information.

The lack of awareness on the CRPD (2008), which drives a progressive movement on accessibility to the next higher level of universal access and design, remains unnoticed. Steinfeld (2012) acknowledges the long existence of the concept of universal access and

design, in contrary to the views of many design professionals who thought that universal is a new buzzword for universal design. Steinfeld (2012) argues that the earlier definitions and publications of universal access and design did not help to overcome diversity in the physical environment, because many design professionals were too focused on design to support function rather overcome diversity. Steinfeld and Maisel (2012) state: 'universal design applies all the lessons learned over 50 years about human centred design to all environments, products, and services. It is not the province of technical specialists or experts in a specialized building type. Universal design is a process that enables and empowers a diverse population by improving human performance, health and wellness, and social participation.'

4.4.4 Department of Public Works' accessibility policies

The participants highlighted two legal frameworks. The first framework is the National Building Regulations and Building Standards Act 103 of 1977, amended in May 2008. Part S: Schedule Facilities for Persons with Disabilities were amended to address and be continuously adjusted to meet the global building standards under the South African National Standards (SANS). The current standard is SANS 10400-S: 2011, which relates to all aspects of accessibility and covers such aspects as doors and doorways, ramps, stairways, handrails, lifts, toilet facilities, auditoriums and halls, obstructions in the path of travel, parking, and indication of facilities.

The SANS is the technical guide framework for the modern South African building control system. The amendment of the National Building Regulations and Building Standards Act in was a significant development in relation to the built environment accessibility, in that it regulated standards in building construction and design through the introduction of building regulations. The principal aim of building regulations is to provide for the health, safety and welfare of people in and around buildings.

The participants' points of view regarding the National Building Regulations were that they are disability-friendly and they are awareness of the regulation requirements. However, some of the participants felt that a continuous dissemination of these regulations should be practice by the DPW. The sensitisation and advocacy around Part S of the National

Building Regulations is very necessary; it should not be taken for granted that it was part of their academic curriculum.

The second framework is the Government Immovable Asset Management Act (GIAMA), which was only mentioned by the Immovable Asset Manager as it is directly related to the operational aspect of the work. GIAMA was noted to ensure performance of service delivery through its User Asset Management Plan and Custodian Asset Management Plan. It set out client relation guidelines on immovable asset management by the DPW. GIAMA set out to assess the needs of the client user in terms of accommodation, what is the client going to use the accommodation for, whether the needs are accessible in term of location and it being used. 'Accessibility' in GIAMA has a different meaning as it addresses the location.

The indication from participants was that other policies, like the DPW's White Paper on *Public works towards the 21st Century* (1997) and PEPUDA, are not taken into consideration. PEPUDA is seen as the baseline tool guiding the principles of the human rights value system. PEPUDA (2000) set out standards to be utilised in terms of built environment accessibility. The researcher had to make reference to these policy frameworks, as they had clear objectives towards ensuring accessibility for persons with disabilities in government buildings. The White Paper also noted the need to address the barriers in public buildings preventing persons with disabilities from fully participating in society.

The participants pointed out their experiences and concerns regarding the conflict of two pieces of legislation: the National Building Regulations and the National Heritage Act. They indicated that some of the accessibility projects had to be left due to the conflict and call for action to be taken by DPW regarding the matter.

4.4.5 External participants' experience and points of view of the Department of Public Works' accessibility programme

Two participants were identified from the established DPW Disability Advisory Council which was launched by the Honourable Minister T.W. Nxesi on 02 December, 2014. The members of the DPW Disability Advisory Council include but are not limited to: Albinism

Society South Africa, QuadPara Association of South Africa (QASA), Autism South Africa, Blind SA, Deaf Federation of South Africa (DEAFSA), Disabled People South Africa (DPSA), Disabled Youth South Africa (DYSA), Disability Empowerment Concerns, Disability Chamber of Commerce and Industry (DCCI), Divuseni Women with Disabilities, Epilepsy South Africa, National Council for Persons with Physical Disabilities in South Africa (NCPPDSA), South African National Council for the Blind (SANCB), South African Federation of Mental Health (SAFMH), and Women's Achievement Network for Disability (WAND).

The role of the council is to: (a) advise the Minister on matters relating to disability and economic empowerment, universal access and universal design in government buildings, the 2% employment target of persons with disabilities, and participation of persons with disabilities in the Expanded Public Works Programme; (b) facilitate dialogue between government and civil society on socio-economics and the built environment in relation to persons with disabilities; (c) submit a report on the activities of the Advisory Council to the Minister or Director-General at least once a year and whenever requested by the Minister or Director-General; (d) to effect transparency and accountability of the Advisory Council. The reports are also tabled to the Department Executive Committee (EXCO) meetings and formal reports made available to the public.

The Advisory Council comprises of three sub-committees, with nominated and voluntary members coming from organisations represented in the council: Economic Development Sub-committee, Accessibility Sub-committee and Employment Equity Sub-committee. Each sub-committee is composed of no more than 10 members, with a sub-committee chairperson. The sub-committees meet as and when the need arises within the project framework.

Two of the participants were members of the Accessibility Committee and came from QuadPara Association of South Africa (QASA) and National Council for Persons with Physical Disabilities in South Africa (NCPPDSA). The participants indicated that most of the disability sector does not have adequate information on how DPW is performing its mandate. As they are members of the council. they are privileged to have access to such information which the greater public partnership might assist in disseminating the information. The participants noted that the established is the right platform to advocate on the universal design principle as not only address disability but diversity in society at large.

Both participants indicated the DPW has not yet fully implemented the accessibility programme as there are still barrier challenges. 'There is still lot of work to be done, especially with contractors and building inspectors, as there are buildings which have been renovated but [are] still not compliant, namely putting wrong grab rails toilets, wrong toilet door handles… There are reasons why certain measurements are put in place and yet [there is] noncompliance to it.' (participant from QASA, interview 14 March, 2016) The participants noted with concern that a lot of money is spent on these projects and yet the outcomes do not always meet the National Building Regulations. One of the participants (from QASA, interview 14 March, 2016) noted: 'the implementation processes are not appropriately addressed, the inclusion of the right people at early stages who understands technicalities of accessibility are not involved.'

The participants felt that the DPW's programmes show the department's willingness to comply to improve service delivery. At the same time, the department needs to carefully address its operational methods and be 100% inclusive. The Centre for Universal Design (1997) states that the principles of universal design address only universally usable design, while the practice of design involves more than consideration for usability. Designers must also incorporate other considerations such as economic, engineering, cultural, gender and environmental concerns in their design processes. The principles also offer designers guidance to better integrate features that meet the needs of as many users as possible. Not all guidelines may be relevant to all designs.

The participants from NCPPDSA indicated that, with the launch of the *White paper on the rights of persons with disability* (2015), 'there is no excuse for any government buildings not to meet the minimum requirement as set in the National Building Regulations.' Both participants acknowledged the work that has been done by the DPW, but felt that a lot more needs to be improved.

4.4.6 Areas of improvement in the Department of Public Works' accessibility programme

The participants, including the external participants, acknowledged the efforts the DPW has put in place in ensuring accessibility of government buildings. However, the participants felt there were areas of improvement.

There is a need for the DPW to improve in understanding the needs of persons with disabilities and adopt the inclusive approach at its planning stages on construction and property projects. According to the participants, the lack of inclusivity leaves room for non-compliance of projects and this has cost implications for the department. Most of participants identified the same processes from planning, design, procurement and operation, but they are operating with less communication to one another. The need for a consistent flow of information and involvement of all relevant stakeholders on the needs of persons with disabilities in the built environment is vital.

The department has a formal disability council that advises the Minister and Director-General on the disability issue. This body can be easily utilised to assist and provide guidance at all stages of the project undertaken by the department as it may deem fit. Barnes (1991) argues that construction has been done without taking into account the needs of persons with disabilities. Imrie and Hall (2001: 3) further point out that inaccessible and poorly designed physical environments are violations of the human rights of persons with disabilities. The inclusion of persons with disabilities plays an important link from planning, policy development, practices and values of professionals who are involved in property, design and construction. An integrated approach is best, not only in the disability sector, but in overall from planning stages involving statutory compliance as the compliant watchdog. The participants indicated that some as architect they could be oversight in the design only occupational health and safety person who can advise prior to implementation of the project.

One participant indicated the red tape within the operation of projects, which results in many cases in delays of projects, hinders service delivery. The department needs to improve on the turnaround of the inspection reports.

All participants shared the need to have continuous sensitisation and advocacy on built environment accessibility to change mindsets on issues of accessibility. Most of the participants acknowledged the fact that they have limited information on how to accurately apply their minds towards the needs of persons with disabilities when they are implementing accessibility programmes. Most of the literature review noted that built environment accessibility is supposed to create a valued service delivery chain. Lidwell *et al*. (2010) argues that the concern of inability to address the needs and the exclusion of

persons with disabilities in the built environment because of wider, negative, societal attitudes towards disability, particularly among policy developers, design professionals and planners.

The participants emphasised the need for the DPW to start conversation in addressing the conflict issues around the National Building Regulations and National Heritage Act. If DPW can resolve the conflict, maybe some of the challenges can be minimal, which also has serious financial implications to projects of such nature.

4.4 DATA ANALYSIS

The approach to data analysis, as noted by Creswell (2003: 190), states that data analysis is about making sense of the information collected and what is observed from the information. Furthermore, it entails a number of stages such as preparing data for analysis, conducting different analyses, getting deeper into understanding the data, representing the data and making an interpretation of the larger meaning of the data.

The data collected came in various forms. The researcher was able to draw from different participants their experiences in relations to their skills and fields of work. The researcher analysed each interview as it was conducted, and noted the findings in relation to the primary and secondary research questions and the literature survey. There were central themes that were raised by the participants. Some of the issues raised have policy implications in addressing underlying issues that impact on the livelihood of persons with disabilities.

The central themes raised are as follows:

1. The implications of implementing the accessibility programme to state-owned buildings that are more than 60 years, as guided by the National Heritage Resources Act.
2. Alignment of DPW policy documents in terms of international and national obligations in recognising and promoting the rights of persons with disabilities.
3. Sensitisation and advocacy programme.

4.5.1 Significance of the heritage policy to accessibility projects

In terms of sections 3, 34 and 38 of the National Heritage Resources Act, the DPW is expected to submit sketch plans of any state-owned buildings that have been identified for renovation or refurbishment. The DPW architects must submit sketch plans to the provincial heritage resources authority for approval and must issue a permit. Where the renovation or refurbishment may hinder the existence of the building or damage it, the provincial heritage authority has the jurisdiction to allow or not allow.

Some of these projects include accessibility projects. If the sketch plans are not approved, measures are in place to allow compliancy to the National Building Regulations. In a case scenario: if the ramp is not approved at the entrance of the building, another entrance will be created for specific purpose of persons with disabilities.

There are two views analysed. First, the National Building Regulations have set out minimum requirements for accessibility to be complied with. Secondly, upon application of the National Building Regulations, the National Heritage Resources Act interjects the applications redirecting the application for accessibility. The redirecting of the application of National Building Regulations comes with serious implications of discrimination on the grounds of disability. The participants have indicated that it infringes on the rights of persons with disabilities.

4.5.2 Alignment of the Department of Public Works' policies

The inclusion of persons with disabilities in the built environment accessibility from planning, policy development, practices in the property, design and construction it influences easy flow of information and policy alignment.

The participants pointed out poor communication levels during the operational processes. If all stakeholders are involved at an early stage, from planning to completion, there is a flow of project information. This will ensure that all the stakeholders are fully informed of what to do and how to do it. The flow of information of international and national trends on the built environment accessibility will be easy.

4.5.3 Sensitisation and advocacy programme

The established DPW Disability Advisory Council can play a vital in the sensitisation and advocacy programme. There was an interest from participants to participate in and attend any awareness programme on accessibility.

4.6 CONCLUSION

The implementation of the accessibility programme has its challenges; at the same time, it has managed to modify other state-owned buildings successfully. Most of the new state-owned buildings are up to the prescribed standard. Therefore, the current challenges can be eliminated if the department can adopt a positive approach to the accessibility programme by making it a high-priority programme to accelerate accessibility in state-owned buildings. The approach to the accessibility programme should be: 'Nothing about us without us.'

CHAPTER FIVE:
RECOMMENDATIONS AND CONCLUSIONS

5.1 INTRODUCTION

Discrimination on the grounds of disability is an act of human rights violation under the South African Constitution. It is, therefore, within this mandate that the DPW as the custodian of state-owned buildings has an obligation to act to ensure all state-owned buildings are complying within the mandate of Chapter 2 of the Constitution of the Republic of South Africa: the Bill of Rights. Persons with disabilities continue to experience barriers to accessibility in state-owned buildings. The research was aimed at understanding how accessibility programme is being implementing and establishing whether there is a lack of action due to budget constraints, low prioritisation, lack of awareness or a combination of these and other factors, and to make a connection to the larger scheme of things (Leedy & Ormrod, 2010).

5.2. Recommendations

The research considered all the inputs made by the participants and the following recommendations should be considered by the DPW in order to address the successful implementation of the accessibility programme:

1. There is a need for the DPW to have an inclusive process in addressing the overall mandate of accessibility as stipulated in the CRPD (2008), Article 9, including professional services, client user being the department concern, DPW Disability Advisory Council, Statutory Compliance, Immovable Asset Management, Infrastructure Development, property management and other stakeholders, as it may deem fit. The process being from planning until close-out phase.
2. There is a need to align policies for purposes of consistency in the implementation of accessibility projects. The procurement instruction should only reflect one policy which is has been approved by the department. The circular notification on the policy on how it should be implemented.
3. The creation of awareness of policies and sensitisation on the built environment accessibility.

4. Create awareness and education about the CRPD (2008), Article 9, on accessibility in terms of the universal design approach.
5. The DPW should create platform of engagement on conflict issues regarding National Building Regulations.
6. Lastly, the monitoring of the implementation of accessibility programme in terms of all recommended recommendations.

5.3 CONCLUSION

5.3.1 Challenges facing the Department of Public Works' accessibility programme

The research was aimed at looking at the challenges experienced by DPW in implementing the accessibility programme. The research report shows the strides undertaken by the South African government in recognising and promoting the rights of persons with disabilities. The government has put in place legislative frameworks integrating the rights of persons with disabilities (for example, employment, education and the physical environment) and deepening the human rights value principles in all government spheres. The human rights-based approach has given rise to prioritising the needs of persons with disabilities.

The data collected shows poor performance of the accessibility programme by the DPW. Poor performance can also be noted in low prioritisation and financial allocation of the accessibility project. The literature review shows that there are barrier challenges in the built environment, in particular, concern related to the inability to address the needs and the exclusion of persons with disabilities in the built environment because of wider, negative, societal attitudes towards disability, particularly among policy developers, design professionals and planners (Lidwell *et al*., 2010). Most of the literature review points out that built environment accessibility is supposed to be creating a valued service delivery chain, whereby persons with disabilities are given employment opportunities, freely participate in the government economy growth and other societal participation.

The UN Convention on the Rights of Persons with Disabilities (CRPD) that was ratified by many countries including South Africa came into force in May 2008. This was seen as the first human rights treaty to be enacted in the 21st century, which is of historic importance, as it is the first legally-binding international human rights instrument by which persons with

disabilities are able to hold their respective governments to account for the promotion and enforcement of the rights of people with disabilities. The coming into force of the CRPD was seen by disability rights activists as one of the major tool for the promotion and protection of the rights of persons with disabilities.

The South African government, thereafter, took an active role through designated government structures to lobby and advocate for CRPD to be recognised and effectively implemented through government policies. One of the actions taken by government was the National Disability Summit held in July 2008. In accordance with the CRPD (2008), Article 9 makes provision for the concept of 'accessibility' which refers to both the physical environment and to information and communication services.

The research report has noted limited knowledge of the historic importance of the CRPD as a legally binding international human rights instrument by the implementers of the accessibility programme. It is clear that policy alone does not effect change; there is a need to be committed to change individual and DPW. Such commitment to change should be communicated to all relevant stakeholders that are involved in the accessibility programme. The alignment of policies in theDPW is a vital factor.

5.3.2 Public partnership on the accessibility programme

It is important to note the progressive strides undertaken by the DPW in establishing the DPW Disability Advisory Council as it clearly plays a vital role in creating a platform of viable environment within the DPW programmes. The slogan 'Nothing about us without us' should really be echoed as a voice of change in the implementation of accessibility programme. The strengthening relations of such public partnership should not only be seen as role of the Minister of the DPW and Director-General but with all decision makers of the DPW accessibility programme.

The research targeted the accessibility programme which was adopted due to the landmark ruling of the case of Muller vs Department of Justice and Constitutional Development on the right to access. The department, as the custodian of the state-owned buildings, had an obligation to act upon the court ruling which requested that all courts should made accessible for persons with disabilities. The findings of the research during the period of the

research study saw the establishment of the DPW Disability Advisory Council which was launched by the Minister of Public Works in December 2014. It was found that few implementers of the accessibility programme had little knowledge of the needs of persons with disabilities and how to implement an accessibility programme. The information-sharing sessions conducted during site visits to the completed accessibility projects saw a willingness to acquire more information to understand the needs of persons of disabilities and how to implement appropriately the accessibility projects. The participants felt the need to have more information-sharing sessions with the DPW Disability Advisory Council. However, the DPW Disability Advisory Council reported concerns of not being given platform by relevant decision makers of the accessibility programme.

The research findings also noted that most of the participants expressed a lack of trust about whether decision makers of the DPW accessibility programme would allow the roll out of sensitisation and advocacy on accessibility. The participants suggested that such sensitisation and advocacy should rest upon the DPW Disability Advisory Council, as they are part of the created structures of the DPW. The issues of integrated structures which should influence the successful implantation of the accessibility programme should also rest under the advisory council. Because the advisory council comprises of numbers of organisations of persons with disabilities, they become the voice of reason: 'Nothing about us without us.'

The concept of universal access and design, as was raised by the disability sector and as is noted in Article 9 of the CRPD (2008) is an issue which the department intends to explore in terms of holding dialogues with stakeholders in the built environment and accessibility programme managers, including the disability sector. It will be therefore of importance for the DPW to strengthen its relation with the disability sector to successfully implementing the accessibility programme.

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