

As well as funding mechanisms to redress existing infrastructure as well as accreditation of accessibility auditors, in order to provide substance to commitment contained in the National Development Plan, which prioritizes the improvement of aesthetic and functional features of the built environment to create live able, vibrant and valued places that allow for access and inclusion of people with disabilities.²⁹³

3.10 Conclusion:

This chapter set out the South African position with regards to access to justice and accessibility. The starting point of the discussion centered around the Constitution of South Africa, first with regard to access to justice and then accessibility. The legislation that was discussed is the PEPUA Act, also with regards to access to justice and accessibility. Two vulnerable groups were briefly discussed namely women and children. Lastly, some initiatives South Africa has come up with in order to provide better access for persons with disabilities was discussed.

The basis for progressively redressing the situation of persons with disabilities is the Constitution of South Africa. The ratification of the CRPD in 2007 as well as its optional protocol, committed the country to respect and implement the rights of persons with disabilities. International law must be considered by a court, tribunal or forum when interpreting the Bill of Rights. What has led to the Convention having a weakened effect in South Africa is due to the fact that South Africa has not properly incorporated the CRPD into its own legal framework.

Section 9 of the Constitution protects a right to equality, Section 9 (2) of the Constitution, read with the Promotion of Equality and Prevention of Unfair Discrimination Act, clearly places a complementary duty on the state to take active measures to promote the equality of people with disabilities.

²⁹³ As above.

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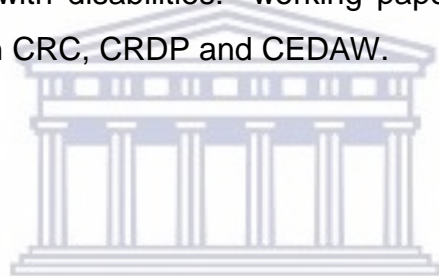
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