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Teen denied flight on Air Namibia due to disability

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Mbeurora Karamata A 16-year-old Victoria Martin and her mother were denied access to board a flight due to her daughter’s condition. This was after the mother had made the necessary payments the previous week and informed the flight agent she would be accompanied by her daughter, who is wheelchair-bound. It is utterly disappointing to hear that a government-owned company denied a person with a disability access to board one of its flights, due to her condition. In the apology dated 18 May 2017 the airline’s head of communications, Paul Nakawa, stated the airline is simply not equipped to transport people in Martin’s condition. Air Namibia has been in operation for decades so how is it possible they have not brought their policies in line with the national and international policies on creating an enabling environment for people living with disabilities? The airline’s actions do not only constitute a discriminatory act, but also infringed on Martin’s right to human dignity. The constitution protects any person from being subjected to cruel, inhumane and degrading treatment. This principle, inter alia, requires government, individuals and organizations to treat all persons with disabilities with respect for their inherent dignity and to ensure their disabilities do not restrict their full participation in society. It is indisputable that the government has made great efforts and taken an interest in creating an enabling environment for people living with disabilities to exercise their rights and freedoms, by enacting a National Disability Council Act, 2004 which aims to improve the quality of life through enhancing dignity, well-being and empowerment of persons with disabilities. Furthermore the government ratified the United Nations Conventions on the Rights of Persons with Disabilities in 2004 (CRPD) and endorsed the African Decade Plan of Action for Persons with Disabilities in 2005. The CRPD states that any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms amounts to discrimination. Air Namibia’s denial of access to Martin is a violation of the central themes of the constitution and CRPD, which requires countries to take measures to ensure that persons living with disabilities access, on an equal basis with others, the physical environment and transportation services open, or provided, to the public. A mere apology from Air Namibia will not take away the emotional distress that this young and vulnerable 16-year-old had to endure when she was turned away from the flight. This is an experience that she will carry for the rest of her life. Martin is legally entitled to compensation for the inconvenience caused, the expenses which she incurred when she was forced to make alternative travel arrangements and to extend her stay in Windhoek, and the emotional pain and suffering that she suffered at the hands of Air Namibia. The sad reality is the fact that not enough awareness is raised with regard to the protection of the rights of people living with disabilities, and acts like these go virtually disregarded or without sanction for the perpetrators. In a nutshell, the government should take a more proactive role in fulfilling its obligation towards all its citizens to take appropriate measures to eliminate discrimination on the basis of disability by government institutions, any person, organization or private enterprise. So no, Air Namibia, your apology is not accepted – it is time you get in line with the national policies and stop justifying

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discriminatory actions. * Mbeurora Karamata is a holder of a Bachelor of Laws LLB Honours Degree (Unam) and is currently a candidate legal practitioner.

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