

# ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES IN LESOTHO

## TRAINING FOR MAGISTRATES AND PROSECUTORS

12 – 14 JULY 2023

THABA BOSIU, LESOTHO

### ACTIVITY REPORT<sup>1</sup>



*The picture on the front cover of this report shows all the delegates for the access to justice training workshop. It was taken on day one of the workshop.*

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<sup>1</sup> This activity report was compiled by Dianah Msipa, an Independent Consultant on Disability and Human Rights Law and Policy. Ms Msipa was contracted by the Lesotho National Federation of Organisations of the Disabled (LNFOD) to facilitate the training workshop.

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## **1. ABOUT THE TRAINING**

Lesotho occupies a unique advantageous position in southern Africa in terms of the right of persons with disabilities to access justice on an equal basis with others. In contrast with other countries in southern Africa, Lesotho has created an enabling legal framework for the promotion of the right to access justice as evidenced by the following recent developments:

1. Recognition of the testimonial competence of all persons with disabilities, including those with intellectual and psychosocial disabilities, following the Constitutional Division of the High Court of Lesotho declaring section 219 of the Criminal Procedure and Evidence Act unconstitutional in the *Koali Moshoeshoe* decision<sup>2</sup>
2. The enactment of the Persons with Disability Equity Act, 2021 which contains a specific provision on access to justice for persons with disabilities (article 32)
3. The gazetting of the Disability and Equity (Procedure) Rules, 2023 (Procedure Rules) which set out the accommodations that must be provided to persons with disabilities in judicial proceedings in Lesotho.

Cumulatively, these developments create an enabling legal framework for the protection of the right of persons with disabilities to access justice through the provision of accommodations. However, the provision of accommodations in the justice system remains a highly novel and technical subject, with which most justice personnel are unfamiliar.

Accordingly, the Lesotho National Federation of Organisations of the Disabled (LNFOD) hosted a three-day training workshop on access to justice for persons with disabilities from 12 to 14 July 2023 in Thaba Bosiu, Lesotho. The training workshop brought together magistrates, prosecutors and organisations of persons with disabilities. The purpose of the training workshop was two-fold:

1. To raise awareness amongst magistrates and prosecutors about recent developments relating to access to justice for persons with disabilities and their practical implications; and
2. To strengthen the capacity of magistrates and prosecutors to provide accommodations in the justice system

## **2. METHODOLOGY**

The facilitator employed a participatory approach, in which the delegates were at liberty to interact by asking and answering questions, articulating their own experiences as well as their concerns. In contrast with lecture-style presentations, this approach allowed the

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<sup>2</sup> *Moshoeshoe and others v Director of Public Prosecutions*, CC/14/2017 [2019] LSHC (Lesotho). Section 219 of the Criminal Procedure and Evidence Act stated that persons with intellectual and psychosocial disabilities were not competent to testify in court.

participants to take an active part in their own learning and participate in the formulation of solutions. Following the presentations, the delegates took part in group assignments on the first two days of the training and in an open discussion on the final day of the training.

### **3. CONTENT OF THE TRAINING**

The training addressed numerous topics throughout the three days as follows:

#### **3.1 DAY ONE: FOUNDATIONAL CONCEPTS**

On day one, foundational concepts necessary for understanding the right of persons with disabilities to access justice were addressed.

The first session addressed “Disability Etiquette and Appropriate Terminology.” The discussion on disability etiquette focused on respectful ways of interacting with persons with disabilities, such as asking a person with a disability whether they need help and if so, what help they need rather than assuming that a person needs help as well as how to help them. Two delegates shared negative experiences that highlight the importance of knowing about disability etiquette. One of the delegates (a magistrate) shared an experience where her colleague found a man with a physical disability leaving the building in a wheelchair. Without asking, he immediately started pushing the man’s wheelchair, assuming that the man needed a push. The man in the wheelchair eventually communicated that he had been pushed in the wrong direction and he in fact wished to go in the opposite direction. Another delegate (a prosecutor) narrated how he had a witness with a physical disability carried up to the courtroom, which was situated on the upper level of the building, because there was no lift to enable him to access the courtroom in his wheelchair. The facilitator emphasised to the delegates the importance of asking what help a person needs, and the importance of finding respectful ways of enabling persons with disabilities to participate. For example, in the first scenario, the preferable approach would have been to ask the man in the wheelchair whether he needs help and if so, what help he needs. In the second scenario, the respectful approach would have been to change the trial venue to one that is located on the lower level and is accessible, rather than carrying someone up the stairs.

The related discussion on terminology focused on the appropriate language to use, such as persons with intellectual disabilities, instead of imbeciles, and persons with psychosocial disabilities, instead of insane.

The second session, titled “Understanding Disability” addressed the meaning of the concept of disability. The facilitator explained the difference between the religious/moral model, the medical model and the social model of disability. These models are important not only for providing explanations for the cause of disability, but they influence the nature of interventions through law and policy. For example, a medical model understanding of

disability, which treats disability as a medical issue, influences interventions that are medical in nature such as cure and rehabilitation. In contrast, a social model understanding that perceives disability as the result of the interaction between an individual with impairment and societal barriers, influences interventions in society such as ensuring accessible court rooms and facilities. A few of the delegates were already familiar with the social model of disability whilst the majority were not. The session was therefore, informative for most of the delegates.

Session three focused on the “Barriers to Equal Access to Justice for Persons with Disabilities in Lesotho.” The facilitator explained the numerous barriers, including communication, legal, procedural, attitudinal, and environmental barriers etc. In addition, the facilitator shared the findings relating to barriers in Lesotho from a research study conducted by LNFOD in 2019. The delegates also shared their own experiences in relation to barriers. Most of the delegates reported experiencing communication barriers.

The fourth session, titled “Introduction to Accommodations in the Criminal Justice System,” addressed, the meaning and purpose of providing accommodations in the justice system. The primary purpose of providing accommodations is to overcome the barriers and enable persons with disabilities to participate effectively in the justice system. This session gave the delegates an opportunity to think of ways to overcome the barriers identified in session three, particularly through the provision of accommodations. The facilitator explained that accommodations is a term referring to any modification or adjustment made for purposes of enabling persons with disabilities to access justice on an equal basis with others.<sup>3</sup> Thereafter, the facilitator proceeded to provide examples of accommodations including the use of an intermediary, the use of anatomically correct dolls, the use of pictures, the use of letter boards, changing the trial venue, witness preparation etc.

Day one ended with a group work session requiring the participants to apply the knowledge gained to the following factual scenario.

*Figure one: Factual Scenario for group work*

Rebecca is 22 years old and has an intellectual disability. She lives in a remote village and could not attend school because the headmaster said that his school was not equipped to deal with her needs. She cannot read and write and has difficulty with concepts such as time, space and dates. She can however communicate verbally though she sometimes uses words inappropriately. Rebecca was raped on several occasions by her step father. She reported this

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<sup>3</sup> The definition for accommodations is found in article 2 of the Convention on the Rights of Persons with Disabilities (CRPD) and in article 1 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol).

to the police and though the investigating officer referred the case to court, he does not think that she can be a competent witness because he thinks she is not “normal” and not capable of telling the truth. You are the presiding magistrate and this case comes before you.

What accommodations would you make to help Rebecca give her account effectively taking the following into account:

She is intimidated by her stepfather who has made several threats towards her;

She cannot remember the dates and times of the rapes;

She does not know the correct names of the human anatomy; and

She is intimidated by the court room.

All the groups managed to identify the correct accommodations that can be provided to Rebecca to enable her to participate effectively in court, indicating that the delegates had understood the foundational concepts covered on day one, particularly accommodations.

### **3.2 DAY TWO: ACCESS TO JUSTICE AND ACCOMMODATIONS IN LESOTHO**

The second day focused specifically on access to justice and accommodations in Lesotho.

Session one dealt with “Testimonial Competence and *Koali Moshoeshe*.” This session focused on the judgment of the Constitutional Division of the High Court of Lesotho in the *Koali Moshoeshoe* case. The Court declared section 219 of the Criminal Procedure and Evidence Act (CPEA), which stated that persons with intellectual and psychosocial disabilities are not competent to testify in court, unconstitutional. There is therefore, now no legal impediment to persons with intellectual and psychosocial disabilities testifying in court. This position is reinforced in section 32 (3) of the Persons with Disability Equity Act, 2021 which states that:

“A person with disability shall be competent and compellable to give evidence in a criminal and civil case in any court in Lesotho or before a magistrate on a preparatory examination.”

Moreover, rule 6 (1) of the Disability Equity (Procedure) Rules, 2023 provides that:

“A person with disability is competent and compellable to testify in legal proceedings in terms of section 32 of the Act (ie the Persons with Disability Equity Act).”

The legal position on the testimonial competence of persons with disabilities in Lesotho is therefore, now settled. All persons with disabilities, including those with intellectual and psychosocial disabilities are competent to testify in court.

Session two was on the “Legislative Framework on Access to Justice in Lesotho.” The session addressed the legislative framework on access to justice at the global, regional and national levels. At global level, the session addressed article 13 of the Convention on the Rights of Persons with Disabilities (CRPD). It also addressed article 13 of the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol) at regional level. At the national level, the facilitator explained section 32 (4) of the Persons with Disability Equity Act 2021, which provides for supports and accommodations in the justice system by stating that:

“A person with disability shall be assisted in every possible manner to effectively, directly and indirectly participate in all legal proceedings and other preliminary stages of administration of the judicial justice process.”

The Act requires that supports and accommodations be provided, but does not state what these supports are. Instead, it requires the Chief Justice of Lesotho to:

“make rules for the provision of accessible format methods and any other legal services and procedures which take into account the needs of a person with disability who attends court proceedings.” (s.32(1)).

The third session on day two addressed the Disability and Equity (Procedure) Rules 2023, which were drafted by the Chief Justice in line with section 32(1) of the Persons with Disability Equity Act, 2021. The session focused on the content of these procedure rules. Specifically, the session addressed the following topics from the procedure rules:

- a) The objects or purpose of the rules which are to:
  - i. “Ensure the effective access to judicial processes for persons with disabilities on an equal basis with others, through the provision of procedural and age appropriate accommodations” (rule 2 (a))
  - ii. “Ensure that the rights of persons with disabilities in the judicial processes are recognised, fully promoted, protected and ensured through appropriate support and procedural accommodations” (rule 2(b))
  - iii. “Guide judicial officers, legal practitioners, court officials and other participants in judicial proceedings” (rule 2 (c))
- b) Application of the procedure rules to pre-trial, trial and post-trial processes (rule 3)
- c) The interpretation or definition of terms that are used in the procedure rules (rule 4)
- d) Barriers hindering effective participation in the justice system (rule 5)
- e) Competence and compellability of witnesses with disabilities (rule 6)
- f) Accommodation and support needs assessment (rule 7)
- g) Persons allowed at competency assessment (rule 8)

h) Release from custody (rule 9)

The session also addressed the accommodations that are provided in the procedure rules namely:

- a) Pre-trial visit of witnesses to court (rule 10)
- b) Meeting with the judicial officer (rule 11)
- c) Assistance by interpreter, translator, intermediaries etc (rule 12)
- d) Duty to provide comfortable environment (rule 13)
- e) Special measures to prevent exposure of victim to the accused (rule 14)
- f) Explanation of manner of testifying (rule 15)
- g) Mode of questioning (rule 16)
- h) Frequent breaks during testimony (rule 17)
- i) Expeditious disposal of cases (rule 18)
- j) Custodial sentences (rule 19)

Day two ended with a group exercise on the procedure rules.

*Figure two: Questions for group work*

1. When did the court rules come into effect?
2. What is the purpose of the court rules?
3. To whom do the rules apply and in what roles?
4. At which stages in the criminal justice process are the rules applicable?
5. Where does the mandate to write the court rules come from?
6. What accommodations may be provided at the pre-trial stage?
7. What accommodations may be provided at the trial stage?
8. What accommodations may be provided post-trial?
9. Which accommodations to the environment are included in the rules?
10. Which accommodations touching on the language and content of the testimony are included in the rules?
11. What are the rules pertaining to victims of sexual offences or gender-based violence?

The participants answered the questions correctly indicating that they had understood the substantive content of the procedure rules.



### **3.3 DAY THREE: PRACTICAL APPLICATION OF THE PROCEDURE RULES**

Day three focused exclusively on the practical application of the accommodations found in the procedure rules. The delegates had an open discussion, guided by the facilitator, about their impressions on the practicality of the procedure rules.

The delegates and the facilitator unanimously agreed that the procedure rules are helpful as they provide guidance on how to accommodate persons with disabilities. Before the procedure rules were gazetted, the delegates were simply making up accommodations as they went along, without knowing whether they were doing the right thing. One of the delegates stated that having a case involving a person with a disability was frustrating because they did not know what to do. The facilitator also pointed out that having the procedure rules is also helpful in that it makes it possible to adopt a uniform approach to accommodations for persons with disabilities throughout the country.

The delegates also identified some factors that may make it difficult to implement the procedure rules.

They cited the lack of human resources. The procedure rules state that intermediaries and interpreters must be called upon to provide support to persons with disabilities (rule 12), but the delegates pointed out that there is only one intermediary in the whole country and there are no sign language interpreters employed by the government. Delegates have to rely on interpreters provided by LNFOD. This may make it challenging to provide this particular accommodation.

The delegates also stated that there is a lack of appropriate infrastructure required by the procedure rules. For example, most courts do not have a CCTV set-up, or one-way mirrors, which are also required in the procedure rules (rule 14). Moreover, in most court buildings, the lifts do not work, making many of these facilities inaccessible.

The procedure rules also require that accused persons and convicts be detained and incarcerated in facilities that are accessible (rules 9 and 19), yet most of the correctional facilities in the country are inaccessible. This presents a challenge for providing this particular accommodation.

Nevertheless, the facilitator demonstrated to the delegates that the majority of the accommodations set out in the rules are easy to implement and have little or no cost implications as indicated in table 1 below. The lack of resources does not completely prevent the provision of accommodations as alternatives may be provided. For example, where there are no CCTV facilities, a witness may testify behind a curtain or be permitted to testify with

their back turned to the accused. Table 1 below addresses the difficulty levels of providing each of the accommodations found in the procedure rules.

*Table 1: Difficulty levels of implementing accommodations set out in the procedure rules*

<b>Accommodation</b>	<b>Difficulty level in terms of implementation (for prosecutors and magistrates)</b>	<b>Facilitator comments</b>
1. Accessible detention facility	Medium to high	This may be difficult for prosecutors and magistrates to implement because accessible correctional facilities are the purview of the corrections department. However, the court can, as the rules indicate, issue an order requiring the Commissioner of the Correctional Service to provide accessible facilities (rule 19(2)). Moreover, prosecutors and magistrates also have the option, at the pre-trial and trial stages, to release an accused from custody, where the detention facilities are inaccessible (rule 9(1)(b) and rule 9(2)(b)).
2 Pre-trial visit of witnesses to court	Low	This is easy to implement and has no cost implications. All that is required is for the prosecutor to provide the person with a disability with a tour of the court facilities and an explanation of the procedures.
3 Meeting with judicial officer to have procedures explained	Low	This is easy to implement and has no cost implications. The judicial officer is simply required to meet with the person with a disability (in

		the presence of all the parties) and explain the court processes. (rule 11)
4 Assistance by interpreter, translator, intermediary	Low to Medium	<p>This accommodation can be implemented with little to no difficulty. Despite the shortage of interpreters and intermediaries in Lesotho, there are alternative approaches such as:</p> <ul style="list-style-type: none"> <li>- Approaching LNFOD for a sign language interpreter</li> <li>- Swearing in the person's relatives as interpreters</li> <li>- Reaching out to the Ministry of Social Development for social workers to act as intermediaries</li> <li>- Reaching out to probation officers to work as intermediaries</li> </ul>
5 Comfortable environment e.g. accessible court room, allowing testimony from place other than witness stand, avoiding exposure of sexual violence and gender-based violence to accused	Low	This accommodation can be easily implemented with little or no financial implications. Where the court facility is inaccessible, a venue change can be effected.
6 Special measures e.g. screens, one way mirror, curtains	Low	This accommodation can be easily implemented. If there are no screens or one way mirrors, a witness may be allowed to turn her back, if appropriate or testify behind a curtain (rule 14)
7 Explanation of manner of testifying	Low	This accommodation is easy to implement and has no financial implications. It simply involves

		providing explanations to the person with a disability on how to testify e.g. saying when they need break and admitting when they do not remember something (rule 15)
8 Mode of questioning	Low	This accommodation is easily implemented and has no cost implication as it simply involves asking simple questions (rule 16)
9 Frequent breaks	Low	This is easy to implement and has no cost implications (rule 17)
10 Expeditious disposal of cases	Medium to high	This may have a medium to high level of difficulty to implement because it is not entirely in the control of magistrates and prosecutors and depends on the availability of other parties such as defence counsels and witnesses. Nonetheless, the prosecutors and magistrates can still speak to all the parties and alter their schedules to ensure that cases are disposed of expeditiously (rule 18)

As shown above, most of the accommodations (with the exception of two) are easy to implement and have little or no cost implications. The facilitator therefore, demonstrated that it is generally possible for magistrates and prosecutors to start implementing the procedure rules immediately.

#### **4. CONTENTIOUS MATTERS RAISED DURING THE WORKSHOP**

During the workshop, there were some matters that were quite contentious amongst the delegates.

The first issue relates to whether it is necessary to prove disability when a case is referred to the prosecution and if so, how. The facilitator guided the delegates by explaining that in cases involving persons with disabilities that are visible, such as some physical disabilities, there may be no need for medical proof of disability, unless the defence challenges the

existence of the disability. However, an assessment to determine their accommodation and support needs is still required in line with rule 7.

Conversely, in those cases where the disability is not apparent, such as some intellectual disabilities and psychosocial disabilities, medical evidence may be required to confirm the disability type. For persons with intellectual disabilities, such evidence may be from a general practitioner and need not be from a psychiatrist. Persons with psychosocial disabilities, however, may be referred to a psychiatrist for evaluation. Therefore the common practice of referring all persons with disabilities to a psychiatric institution called Mohlomi Mental Hospital for purposes of evaluating their disability, is inappropriate. This evaluation may neglect to address the accommodations and support needs of the individual as is often the case, and focus more on the medical aspects of the disability. Where this is the case, a separate assessment to determine their accommodation and support needs in line with rule 7 will still be necessary. Other professionals, such as intermediaries, may need to be consulted for this purpose.

The second contentious issue relates to whether the Chief Justice has jurisdiction to draft rules that regulate the conduct of the police service as well as correctional services. The facilitator pointed out that the procedure rules clearly apply to numerous actors in the judicial system. Rule 2(c) on the objects and purpose of the rules states that the purpose of the rules are to “guide judicial officers, legal practitioners, court officials and other participants in judicial proceedings.” Furthermore, rule 9(1) specifically addresses investigating police officers and rule 19 addresses correctional services. The rules therefore apply to a range of actors. Whether the Chief Justice acted beyond his powers by enacting rules that apply to police as well as correctional services remains to be seen if this is ever challenged. However, the facilitator’s personal view is that it is necessary for the rules to involve a range of actors because the judicial system is a process involving a range of actors. Rules applicable only to the courts would be ineffective in achieving equal access to justice for persons with disabilities.

## **5. ADDRESSING DELEGATES’ EXPECTATIONS**

At the start of the three-day workshop, the delegates were requested to articulate their expectations for the workshop. The delegates mentioned a number of issues that they expected to learn and these were addressed at various intervals of the workshop as follows:

- a) Whether there is domestic legislation in Lesotho governing the treatment of persons with disabilities in the justice system

The legislation specifically governing the treatment of persons with disabilities in the justice system is the Persons with Disability Equity Act, 2021, which is to be read with the Disability and Equity (Procedure) Rules, 2023.

- b) How much weight to attach to the evidence of persons with disabilities, particularly those with intellectual and psychosocial disabilities – the question of credibility  
The question of credibility is to be decided after allowing the person to testify, in much the same way it is decided in all other cases. Rule 7(6) states that “[t]he court may decide on the credibility and reliability of the witness, as well as the weight to accord to such testimony, only after he has given such testimony with the appropriate support and accommodation.”
- c) How far cross examination can go  
Cross examination must respect the person’s dignity. Rule 5(g) considers “aggressive and demeaning cross-examination” including that where irrelevant questions are asked, a barrier, hindering effective participation in the justice system. Such cross-examination is therefore not permissible.
- d) Whether domesticating the CRPD as a whole is an option  
This is no longer an option since the Persons with Disability Equity Act, 2021 was already enacted for the purposes of domesticating the CRPD. The Act does not include all the provisions of the CRPD.
- e) How to handle accused persons with disabilities  
Accused persons with disabilities should be accommodated in the same manner as witnesses with disabilities. The procedure rules also apply to persons with disabilities who are accused of a crime as evidenced by rules 9 and 19 which address the provision of accommodations in detention facilities and prisons.
- f) The role of intermediaries  
The role of intermediaries is addressed in rule 12. They have a duty to provide evidence during the assessment on accommodation and support needs (rule 7(1)), relay questions from respective counsel for the parties during trial (rule 12(2)) and alert the court of any questioning that is inappropriate (rule 12(3)).
- g) Play therapy as a form of accommodating witnesses with disabilities  
This is an accommodation that remains valid if an individual requires it.
- h) The procedure prosecutors should follow when handling cases involving persons with disabilities  
If in doubt, prosecutors may seek medical advice from a general practitioner about the nature of a person’s disability. Persons with psychosocial disabilities should be referred to a psychiatrist. However, the most important procedure if the assessment

of accommodation and support (rule 7) and prosecutors should make sure this takes place before the trial proceeds

- i) Whether persons with disabilities have a right to be accommodated in correctional facilities

According to rules 9 and 19, persons with disabilities who are accused of a crime or convicted of a crime have a right to be accommodated in correctional facilities.

- j) Whether a lower standard of proof should be adopted in relation to persons with disabilities

The standard of proof in criminal and civil cases remains the same.

## **6. EVALUATION OF THE TRAINING**

At the end of the training, the delegates were asked to evaluate the training by stating what worked well. They stated the following:

- a) The venue was good – Comfortable facilities and good food
- b) Having magistrates, prosecutors and people from organisations of persons with disabilities was helpful
- c) An adequate amount of time was allocated
- d) Good facilitation
- e) Participatory approach. The workshop was interactive and questions were addressed
- f) Structure and content of the programme was good. It was interesting and easy to follow
- g) Dealt with practical application
- h) Informative – We now know that anxiety and depression are psychosocial disabilities

## **7. CONCLUSION AND RECOMMENDATIONS**

This workshop was a success because the purposes for hosting the training were achieved. Delegates went away with a thorough understanding of the latest developments on access to justice in Lesotho. More importantly, they went away with practical knowledge on how to provide accommodations for persons with disabilities in the justice system.

To further improve knowledge and uptake of the rules, the consultant makes the following recommendations:

### **a. Host a larger training involving all the relevant stakeholders mentioned in the rules**

A number of stakeholders are mentioned in the rules, including police, correctional services, intermediaries, medical personnel, interpreters etc. It is therefore important

to train all these stakeholders, together with prosecutors and magistrates in order to ensure that everyone plays their part.

**b. Train more magistrates and prosecutors**

The training only involved about 25 prosecutors and magistrates. There are more prosecutors and magistrates in the country that need to be trained on the rules and on how to provide accommodations

**c. Engage with correctional services**

The procedure rules state that persons with disabilities should be detained and incarcerated in accessible facilities. It is necessary to engage with Correctional services about this duty in the procedure rules to enable them to start making preparations in time.

**d. Raise awareness about the procedure rules amongst persons with disabilities**

It is important for persons with disabilities themselves to be made aware about the existence of the procedure rules and the fact that they have a right to be accommodated.

**e. Highlight the fact that the procedure rules do not provide an exhaustive list of accommodations**

In any future training, it should be highlighted that the procedure rules do not provide an exhaustive list of accommodations that may be provided to a person with a disability. There are other accommodations that a person with a disability may need, that are not included in the procedure rules. In that scenario, these accommodations should be provided, as long as they align with the purpose of the rules, which is to “ensure effective access to judicial processes for persons with disabilities on an equal basis with others” (rule 2(a)). Moreover, one individual may require more than one accommodation. The individual’s specific needs determine the accommodations they require.



**ANNEXURE: TRAINING PROGRAMME**

**ACCESS TO JUSTICE FOR PERSONS WITH  
DISABILITIES: CAPACITY STRENGTHENING  
WORKSHOP FOR PROSECUTORS AND MAGISTRATES  
IN LESOTHO**

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12 - 14 July 2023

Thaba Bosiu, Lesotho

**PROGRAMME**

**Facilitator**                      **Ms Dianah Msipa**  
**Independent Consultant on Disability Law and Policy**

**DAY ONE: WEDNESDAY 12 JULY 2023**

08:45 - 09:00	Arrival and Registration
09:00 - 09:15	Welcome Remarks Adv Nkhasi Sefuthi Executive Director Lesotho National Federation of Organisations of the Disabled (LNFOD)
09:15 - 09:40	About the Training, Introductions and Ice Breaker
09:40 - 10:10	Introduction to Disability Etiquette and Appropriate Terminology

10:10 – 11:00	Understanding Disability
<b>11:00 – 11:20</b>	<b><i>Tea break</i></b>
11:20 – 12:45	Barriers to Equal Access to Justice for Persons with Disabilities in Lesotho: Research findings
12:45 – 13:00	Group Photo
<b>13:00 – 14:00</b>	<b><i>Lunch Break</i></b>
14:00 – 15:30 with	Global and Regional Frameworks on Access to Justice for Persons with Disabilities in Africa
15:30 – 16:30	Introduction to Accommodations in the Criminal Justice System
<b>16:30</b>	<b><i>Day One Ends</i></b>

#### **DAY TWO: THURSDAY 13 JULY 2023**

09:00 – 09:10	Recap of Day One
09:10 – 10:10	Developments in Lesotho: Testimonial Competence and <i>Koali Moshoeshoe</i>
10:10 – 11:00	The legislative Framework on Access to Justice in Lesotho
<b>11:00 – 11:20</b>	<b><i>Tea Break</i></b>
11:20 – 13:00	Disability and Equity Procedure Rules, 2023 (Court Rules)
<b>13:00 – 14:00</b>	<b><i>Lunch Break</i></b>
14:00 – 15:30	Disability and Equity Procedure Rules, 2023 (Court Rules) (..ctd)
15:30 – 16:30	Group Exercise
<b>16:30</b>	<b><i>Day Two Ends</i></b>

#### **DAY THREE: FRIDAY 14 JULY 2023**

09:00 – 09:10	Recap of Day Two
09:10 – 11:00	Open discussion: Applying the Disability and Equity Procedure Rules, 2023 (Court Rules)
<b>11:00 – 11:20</b>	<b><i>Tea Break</i></b>

11:20 – 12:45	Identifying Remaining Gaps
12:45 – 13:00	Post-Evaluation
<b>13:00</b>	<b><i>Lunch Break and End of Programme</i></b>