

DISABILITY LESOTHO



Editor's note

Lesotho is a member state to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and ratified it in order to domesticate the law. The main purpose of the Convention is to ensure that all member states provide the enjoyment of all human rights collectively for the promotion of human dignity to persons with disabilities.

In light of the above, the purpose of the Persons with disabilities Equity Act; 2021 is to domesticate the UNCRPD principles in order to uphold the fundamental freedoms of Persons with disabilities. As such, an independent body namely the Disability Advisory Council should have been established to oversee and advise the minister to implement the Act properly but unfortunately did not happen.

The disability grant has been proposed by the Ministry of Social Development without being advised by the council. Looking at the UNCRPD Article 28 Adequate standard of living and social protection, this article helps member states to check all possibilities to help persons with disabilities.

So, according to me the proposed amount which is M400.00 monthly will not help PWDs

at all.

I think it will be good for the Minister to do the right thing, establish the council and review the disability grant proposed.

If you would like to contribute to the next issue or have received this newsletter from a third party and wish to be included on the mailing list please contact Pascalina Letsau on (+266) 5905 5406 or pletsau@gmail.com

If missed any edition please visit www.infod.org.ls

We welcome any feedback that may improve the quality and content of this free service.



Editor

DIRECTOR'S CORNER

LNFOOD press statement on the General Assembly

By Nkhasi Sefuthi

The Lesotho National Federation of Organisations of the Disabled (LNFOOD) Held a successful General Assembly from the 13-15 August in the district of Maseru in which the representative of four member organisations came together to review the narrative and financial reports of the outgoing executive committee and elected a new executive committee.

The Constitution of LNFOOD states that the General Assembly is held every four years in which the organisations review the progress made and elect a new committee which will serve for the next four years.

The new executive committee has been elected on the 15 August as follows:

1. Chairperson Mr. Makotoko Matsolo
2. 1st Vice chairperson Mrs. Matsepiso Mokhoromeng
3. 2nd Vice Chairperson Ms. Mpho Paneng
4. Secretary General Mrs. Mabataung Khetsi
5. Vice Secretary General Ms. Nyolohelo Pekeche
6. Treasurer Mr. Letsekha Ntlale
7. Publicity secretary Ms. Pascalina Letsau
8. Vice publicity Secretary Mr. Sam Letima
9. Member representing gender Ms. Lipolelo Makhele

10. Member representing the underrepresented groups Mr. Jeremane Teele
11. Member representing youth Mr. Mashaile Khantsi
12. Member representing women Mrs. Nkalimeng



The key successes of the organisation over the past years include successful advocacy which led to the enactment of Persons with Disability Equity Act in 2021, review of the National Disability Mainstreaming plan in 2020, appointment of disability focal persons in government ministries at the national and district level to ensure inclusion of persons with disabilities.

Other successes include: building of LNFOOD headquarters office at Naleli in Maseru through the financial assistance from Sedlaak, and Diakonie Act

Austria who is also the main donor for LNFOD gender and disability inclusion programming. Training of 168 persons with disabilities in business management and product manufacturing has been considered as the milestone in reducing economic and social inequalities suffered by persons with disabilities as some of these businesses are still running today whilst others have been hit by COVID-19 negative impact.

Challenges

Even though a significant progress has been realised over the past four years to promote inclusion of persons with disabilities at all levels, the challenge of the lack of effective implementation of the disability specific and inclusive policies and laws remain a barrier to full inclusion coupled by lack of budget and resources to provide for persons with disabilities.

Persons with disabilities still experience difficulties in terms of access to education, employment, health, and other social and economic sectors due to lack of accessibility and inclusion.

In some areas of development, government still considers persons with disabilities as mere recipients of services and not partners who should be engaged in the development. This is evidenced by the complete exclusion of persons with disabilities in the design of disability grant by the Ministry of Social Development this year. However, some best practices can also be drawn from government during the development of the Persons with Disability Equity Act; 2021 in which persons with disabilities through their representative organisations participated in the design of the Act; 2021.

The General Assembly recognised that there is a need to strengthen leadership and governance of organisations of persons with disabilities, and as such resolved as follows:

To strengthen DPOS governance and management by separating the roles and duties of the board from that of the management.

Train and capacitate all incoming committee members about the separation of roles and duties not only in LNFOD but across the DPOS.

The General Assembly noted with great appreciation the enactment of Persons with Disability Equity Act; 2021 and urge the management of LNFOD to develop advocacy and communication strategy which will facilitate advocacy on effective implementation of the Act; 2021.

It has been resolved that LNFOD should present the concerns of persons with disabilities to the Minister of Social Development about the way in which the disability grant has been formulated for her intervention.

The grant embraces medical model and shifts from the social model adopted by the Persons with Disability Equity Act; 2021 in which disability is considered to be caused by the external social factors rather than impairments.

Discrimination and isolation still prevail thereby hindering persons with disabilities from being active members of the society.

GENERAL NEWS

Understanding rights and responsibilities by PWDs at Tebe-Tebe Community Council

By: Pascalina Letsau

In the village of Ha Pii leaves Mme Makae Koetje. She worked with LNFOD as Disability Focal person. She hardly advocated for disabled persons to get a proper education. Makae discovered that Lebohang Makau who has a hard hearing disabled at school was being harassed and abused by teacher. Lebohang's mother is working in South Africa as domestic worker and a single parent too Lebohang did not tell the care giver nor focal person but his peers. Lebohang is 14 years of age and in grade 3, the story was provided by the focal person. The team that collected the story did not manage to visit the school to find more about the case.



Mme 'Makae indicated too that persons with disabilities are living in a very bad situation in that area. She mad an example about herself that is getting Social assistance from ministry of Social Development. She indicated; "I am getting this money after 3 months in a total of M750.00 it does not help me that much. During the waiting period of this money, difficult situations still persists, everything happens, it is difficult to ignore them. What I always is to find someone to loan me with interests in order to goover those difficulties. When receiving the money, I have to pay all my debts and I only remain with only the money to buy maize meal for my family, which is M280.00

"It is almost difficult to me and my family. This does not apply to me alone but most people with disabilities in that area. Even though we face such difficulties we are happy that the Persons with disabilities Equity Act; 2021 is now about to be implemented whereby we hope that we will be able to be catered in a proper way." Concluded Mme Makae

Also met with mme 'Masechaba Tsehla, she is the parent to a child girl with intellectual disability. She also reported that Amohelang Tsehla, is child at age of 9. The child is visually and physically impaired, with that reason do not attending school. The reason being teachers claims meto' come time and again to school to take careof my child. I have to go thereto feed my child, to change the nappy and almost everything. So, I find it difficult as I am also a brain winner in the family. The child receives public assistance from the ministry of social development, and also assisted with nappies but since January to May, 2021 did not get them.

She reported that one deaf girl was abused sexually. The case was reported and the perpetrator was arrested at Teyateyaneng. We will still continue to follow it up.

Mme 'Masechaba indicated that the have a canning club whereby canning beetroot, beans, peas, peaches and many more. I think if can have buyers, the club will change our lives.

GENERAL NEWS

Training of trainers on Persons with disabilities Equity Act; 2021

Introduction by the Editor

25 members of LNAPD were trained to be trainers on Popularization of Persons with Disability Equity ACT no 24 of 2021 and inclusion of persons with disabilities in the ongoing security reforms in Lesotho.

The training event targets staff members of Equity bodies and NHRIs who are responsible for the monitoring, protection and promotion of the Convention and would like to increase their skills and capacity to engage with the CRPD Committee and DPOs as well as to explore ways for securing participation of DPOs in the engagement process with the CRPD Committee.

Mojalefa Ntlatlapa reports;

In the plenary discussion on the UNCRPD, LNAPD observed that even before the Convention, many fine words and sentiments have come from international reports, conferences, declarations and treaties. However, the continued ignoring of disabled people's rights is a continuing mark of shame against the governments and international agencies around the world. At the UN, the Convention on the Rights of Persons with Disabilities took shape with strong involvement from DPOs. The involvement of DPOs in a more than tokenistic manner is not occurring in many countries, Lesotho not being an exception and this is hindering effective implementation.

While LNAPD notes with appreciation the steps undertaken by government of Lesotho through the Ministry of Social Development (MOSD) to budget for the implementation of the disability grant as envisaged in the Persons with Disability Equity Act of 2021, the trainees observed that the Ministry has already started to ignore the participation

DPOs in the process. The provision of the grant has a great potential of improving the social and economic status of persons with disabilities if implemented in the human rights-based approach.

However, LNAPD is equally concerned with the manner in which the MOSD intends to unilaterally drive the implementation of the disability grant. Equity is a diverse concept. It is not only restricted to the economic needs of a person. Taken from the Rights Based Approach, it also involves the social needs of a person with a disability.

If implemented properly however, the Disability Equity Act 2021 implicitly provides for the establishment of two types of Equity. This diversity will shape and inform the scale, nature and form of the links they might make with other national human rights institutions. The diversity of function is particularly important in this regard. Within the Disability sector there are two principal conceptual types of Equity instruments that may be categorized as tribunal type Equity bodies and promotion type Equity bodies. Tribunal type Equity bodies are predominantly concerned with generating findings on discrimination while promotion type Equity bodies are predominantly concerned with providing legal advice and support to victims of discrimination and supporting good practice by employers and service providers. This diversity if taken into account, while implementing the Act, will promote utilitarian linkages between DPOs and other national human rights monitoring institutions.

In the light of the above LNAPD also appreciates the fact that in a move to domesticate the Convention (UNCRPD), the Government of Lesotho has enacted the Persons with Disability Equity Act 2021, in order to uphold the

fundamental freedoms of people with disabilities in this Country. The Association appreciates the provision for the establishment of an independent body, namely the Council of Disability Rights, to oversee the implementation of the Act, as a great move. Through this project, LNAPD will Endeavour to lobby policy makers and legislature to provide budget for implementation of the Act; particularly to speed-up the establishment of the Council of Disability Rights for proper and transparent monitoring of the implementation of Act.

In implementing the Convention, the universal norm is that states parties are expected to develop structures to involve disabled people and their organizations. The training highlighted the importance of building these structures and institutions that would be mandated by the state to monitor or watch over the implementation of legal instruments like the persons with disability act 2021 and many more that are already enacted by the Government of Lesotho. Now that these institutions



do not yet exist in the Country, LNAPD has resolved to support capacity building, such as training-the-trainer courses and disability equality training (DET). DET is based on the principles of self-advocacy and social model analysis. The paradigm shift in thinking embodied in the Convention is the result of disabled -people's own analysis of their experience of oppression and of their struggle for alternatives that put an end to their devaluation and exclusion.

The Mineworkers Development Agency (MDA) supports IDAL with food production

By: Motheba Makara-Mpota

The Mineworkers Development Agency (MDA), supported the Intellectual Disability and Autism Association of Lesotho (IDAL) with seedlings and crops as MDA commemorated the Mandela day. As South African based companies celebrate the Mandela day (18th July) annually with social responsibility programmes, MDA is no exception to this notion and has pledged it unwavering support to IDAL by assisting people with intellectual disabilities with a sustainable crop production project at IDAL's Centre at Ha Buasono in Berea.



MDA (Lesotho) personnel helping youth with intellectual disabilities to plant crops

GENERAL NEWS

Mazenod Community Council wins.

By: Pascalina Letsau



Underneath the project Disability and Gender at Mazenod Community Council at Fiki-le-mohala ED, a group of 10 women with disabilities from different types of disability formed a group to buy agricultural shade net which will provides protection from sunlight, wind and temperature changes in all areas in use. The group have won the competition whereby all Electoral Divisions have applied by writing some proposals to LNFOD.

The living conditions study among persons with disabilities 2010 indicated that the employment status among economically that females are poorer as compared to men when it comes to paid work, while it is the other way around for self-employment.

This is especially true among the disabled household members. In addition, unemployment for health reasons is clearly higher among disabled men than disabled women, both in numbers and with regards to the ratio between disabled and non-disabled.

Among other reasons women and giarls with disabilities are encouraged to start their own businesses.

Ntate Sello Malataliana who is the councillor to that ED indicated that; 'I started to help the group by writing the proposal for the project, and then the period to submit those proposals was extended, I continued to consult with women and girls with disabilities in my area to finilize it. It was then that other Eds started to write. Today I am happy that my group has won this.' He continued by saying; 'I am already doing the same job that the group indicated would like to do. So, I think it will be easy for me to help them. The idea is to have one big shade net that will produce more and pay back the money as the fund is revolving fund.

Afterwards the money that will be collected there will help individuals of the group to have the very close agricultural shade net as most are not able to move a long distance due to their impairment.

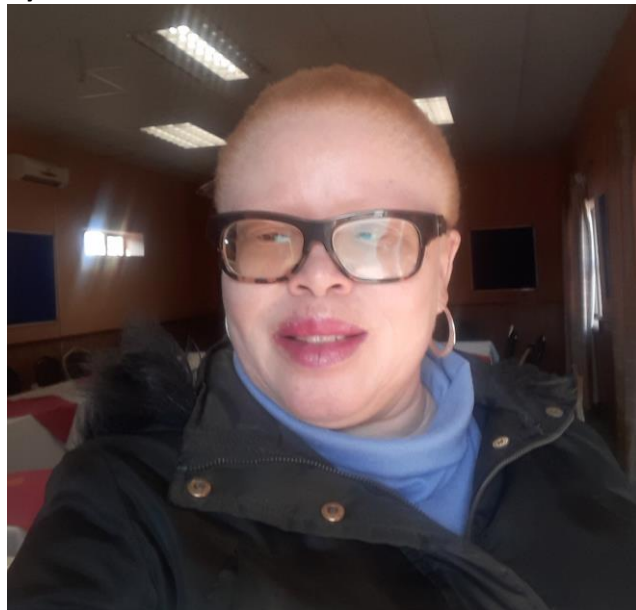
He concluded by saying; 'It is my duty as a community leader even after my term to continue supporting the group like I use to do to other groups within my area.' Said Mr. Sello



ADVOCACY ASPECT

Lesotho reverts to medical model of disabilities!!!

By: 'Makatleho 'Molotsi



In 2008 when acceding to the international convention on the rights of Persons with Disabilities, Lesotho communicated its intentions to join the movement of the international community's movement to the new 'Social approach' to disability. This approach is demands leveling of the filled for equal, effective, and meaningful participation of people with disabilities in every aspect of societal activities. This includes through harmonizing the municipal laws, policies, practices and budgets with the notion of 'social model of disability as articulated through this convention. Social model of disabilities emphasizes much on respecting autonomy and taking deliberate measures to empower people with disabilities alongside leveling the Plainfield for their equal participation as said earlier.

This approach as defined in CRPD, People are not disabled by their impairments rather by various barriers they meet in society due to their impairments. This means that like 'gender' disability is socially constructed and reside outside the person. These barriers can be physical, economic or social and NOT medical.

Based on this approach disability of a person cannot be solely determined by medical examination.

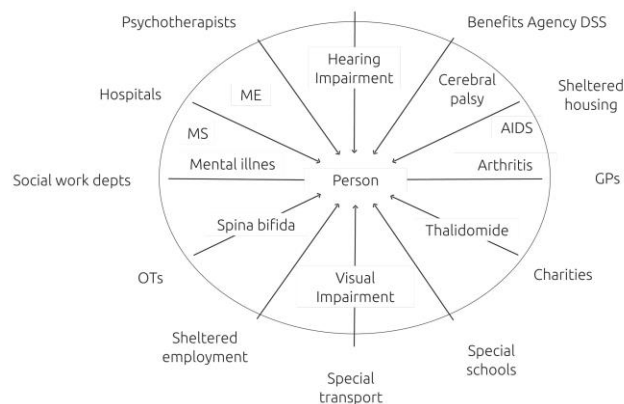
On the other hand, medical examination can only prove that the person is impaired while assessing the socio- economic conditions, the magnitude of barriers can be determined which shall eventually tell whether or not the so impaired person is disabled or not. In this footing, the severity of disability cannot be determined by the medical assessment rather the severity of impairment. Similarly, the severity of impairment can rather be determined by the social assessment which shall take in to account the barriers a person faces.

On this basis using medical report to conclude whether or not the person is disabled and the degree of disability is nit resonant to the current social approach to disability. This is because medical assessment cannot tell the barriers a person is facing in society which indeed limit his/ her functionality thus disabling him or her and the extent to which those barriers disable him. In is common cause that people with impairments are automatically people with disabilities because the barriers that disable them are directly linked to their impairments and are perpetual. However, this does not remove the fact that causes of disability are external to the person(barriers) and thus cannot be concluded from the medical report same as their severity. It is indeed misleading to conclude SEVERILTY of disability from the medical report.

One can be severely impaired as medically examined but not severely disabled as per the social report (which takes in to account so many factors including the geographical area, level of education, economic opportunities etc. On the other hand one might not be severely impaired as per the medical report but be severely disabled (as per the social report.

Following the adoption of the National Social Protection strategy 2014- 2025 and the enactment of Persons with Disability Equity Act (which domesticates UNCRPD and operationalize social model of disability in

Lesotho), Lesotho introduced Disability Grant for persons with disabilities. In Line with the international standards on the rights of PWDS as articulated in UNCRPD and general comments, the purpose of this grant is to empower people with severe disabilities so that they lead meaningful lives. To be eligible for the grant, a medical report which proves severity of impairment and the social report which proves that a person is poor are the prerequisites. The effect of this eligibility criteria is that only those that are severely impaired and are poor shall receive the grant. Now the question is what about those that are severely disabled? (as per the discussion above). It appears that the focus of the Ministry is on alleviating poverty of those that are severely impaired as opposed to empowering those that are severely disabled. This means that those that are severely disabled (by the non- medical barriers are left out as the medical reports will not prove their severity of disability).



The Eligibility criteria for this grant presents a conflicting intention of this country to switch to a social approach of disability is it equates severe disability with severely impairments (which is purely medical approach) whereas the social model of disabilities which the country pledged to follow stipulates that the external barriers should be looked at to determine severity of disability. Whereas this was intentionally a good move towards promoting the rights of people with disabilities, in this regard. A number of people who are rather not severely impaired but severely disabled will be excluded from benefitting from unfortunately it is practically not the next move the grant as they will continue to compete for assistance in cash and kind with other members of the society. It must be remembered that these people are comparably in the worst situation as their situation is doubled by the fact that they are severely disabled. It shall be beneficial if the Ministry of Social Development reconsider, the eligibility criteria and the grants amounts before issuing this Disability grant.



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