

DISABILITY LESOTHO



From the Editor

Dear Partner,

Welcome once again to the edition of Disability Lesotho, the monthly email newsletter from Lesotho National Federation of the Disabled. The edition will cover news for the Month of Decemberr, 2020

It is my wish that this COVID-19, which has attacked the world to end or the world to find the solution for it. The world is in crisis in a way that cannot even plan for our lives. I would like to encourage everyone to take care against the pandemic. Let us have faith and pray for this pandemic to reduce. Let us continue to wash our hands regularly with water and soap, let us avoid crowdy places and be responsible for our lives all of us. Let us adhere to all WHO recommendations, let us all stay home and be safe.

I would like to wish everyone a very blessed new year.

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.

Best regards,



The Editor

Handwritten signature of the editor.

DIRECTOR'S CORNER

Summary of the speech for the 2020 international day of persons with disabilities Since 1992

By: Nkhasi Sefuthi

The international day of persons with disabilities has been observed annually by the states, development partners and other stakeholders.

The purpose of celebrating the international day of persons with disabilities is to promote inclusion of persons with disabilities in political, social, economic, and cultural aspects of the society and highlight gains for the integration of persons with disabilities in the development agenda of each country.

The 2020 theme for this year is: 'building back better towards disability inclusive accessible and sustainable post COVID-19 world. This theme is very important because it reminds the United Nations' member states of their obligations to embrace disability inclusive COVID-19 interventions for all including for persons with disabilities.

The research undertaken during the COVID-19 pandemic indicates that persons with disabilities were excluded from the mainstream interventions yet they were most likely to be infected by COVID-19 because of the much reliance on physical support which they require to fulfill their daily functions.

Lesotho is not an exception in leaving persons with disabilities behind in the fight against COVID-19.

Despite advocacy efforts made to lobby government for the recognition of persons with disabilities in the ongoing

fight against COVID-19, government of Lesotho has not yet created a space for the person with disability who can represent persons with disabilities in the National COVID-19 secretariat. The absence of such representation in the NACOSEC negatively affect the efforts towards inclusion of persons with disabilities.

We therefore call upon government to facilitate the appointment of such a representative and work with organisations of persons with disabilities to reach out to people with disabilities who are in need of help in this difficult period.

Persons with disabilities need information in accessible formats such as Braille, audio, sign language and easy-to-read materials relating to how they can protect themselves from COVID-19.

In this regard I wish to thank the British High Commission to the kingdom of Lesotho for assisting LNLVIP and NADL to design accessible COVID-19 health messages which are currently distributed to the different districts and UNICEF for supporting LNFOD and its member organisations to provide accessible COVID-19 messages in support of the inclusive education for children with disabilities.

Lesotho has started to take momentum in the protection of the rights of persons with disabilities. this is demonstrated by the passing of the Persons with Disabilities Equity Bill by the Senate on the 18 November 2020 and the recent validation of the National Disability Mainstreaming Plan by various government ministries.

The Minister of Social Development therefore deserves a big round of applause for winning the war for all of us. We may remember that the Persons with disabilities Equity Bill has been pending for more than 7 years since its inception.

We are looking forward to the commencement date of the Act in which we cannot wait for the inauguration of the independent disability advisory council whose function is to monitor the implementation of this Act.

On the other hand, the national disability mainstreaming plan has been revised so as to assist government ministries, private sector and the civil society organisations with the strategies which they can adopt and use to promote full participation of persons with disabilities in the national development agenda.

We are therefore encouraging the Minister of Social Development to remain our beacon of hope again by taking the national disability mainstreaming plan to the next level as follows:

- Request the Cabinet to adopt the national disability mainstreaming as the key strategy for the full integration and inclusion in all national development programmes.
- Ask the Right Honourable the Prime Minister to set up a disability mainstreaming subcommittee of ministers to support the disability mainstreaming within the ministries.

Instruct all principal secretaries to be accountable for the effective implementation of the national disability mainstreaming plan and support the recently appointed Ministerial Disability focal persons to discharge their disability mainstreaming functions accordingly the Convention defines disability as a social issue and no more a medical issue in which people used to know disability as a medical matter.

We would all recall that during the 2020-2021 budget speech, the Honourable Minister of Finance pledged to provide a disability grant to people with disabilities in this year. In his speech, he did not say he will provide disability grant provided the Persons with Disability Equity Bill is passed into law. However, the disability grant has not been provided to date.



LNFOD is therefore calling upon the Right Honourable Prime Minister to fulfill his promise he made in that speech by ordering the Minister of Social Development to start the provision of the disability grant in this fiscal year.

LNFOD has realized that the Ministry is insisting that the disability grant will only be provided to persons with severe disability.

It is important to note that persons with disabilities are not happy with this decision because it is inconsistent with the UN Convention on the rights of persons with disabilities in relation to social protection for persons with disabilities. the understanding of severe disability by the Ministry of Social Development is medical and calls for medical certification, something which is inconsistent with the Persons with Disability Equity Act which adopts the social model of Disability.

GENERAL NEWS

15 years in jail for the rape of a girl with intellectual disability

According to Bureau of Statistics Crime Statistics report 2016, sexual offence is number three on the chart. Within all these offences persons with disabilities are the majority in numbers that are abused sexually.

In 2020, in the Mafeteng district, at Ha Nthonyana village a 49 years old man by the name of Mapota Mokholane found guilty of sexual abuse activity to a 23 years old girl with intellectual disability, by the name of Lineo Serupane. As LNFOD and member affiliates are working together with other organisations in communities, the incident was reported by the organisation known as "Karabo ea Bophelo".

Mme 'Mathebe Makhahlela reported that they did inform the nearest police station about the rape. The file opened and the case referred to Mafeteng Magistrate Court. The case did not take more than six months in court, the judgement was done within a year. The perpetrator has got 15 years sentence in jail.

It has been discovered also that the perpetrator was using ARVs. The survivor was taken to St. Andrew Health clinic to be examined, but did not go further with the findings as there was no Health Practitioner found, to find out how can the survivor be assisted.

When concluding Mathebe said,"As members of organisations working in Ramoetsana Community Council would like to be trained and be empowered with issues of Disability especially on how can we are expected to assist or report cases of rape or any abuses affecting persons with disabilities. For us to see a sexual abuse case being treated as fast as this case. We wish to see others to follow this one. It is our plea to LNFOD and its affiliates to work hand in hand with us.

Talking to Lineo, she said would like to go to school, but when asking about the type of school, she said as long as she can be given food would be happy as at home there are no food, as there is no one working from the family. The statement from Lineo showed how difficult persons with disabilities are going through.



GENERAL NEWS

Speech by the British High Commissioner to the Kingdom of Lesotho at the 2020 commemoration of the international day of persons with disabilities in Thabata-seka district.

Extract of her speech

By: Her Excellency Anne Macro

When we remodelled the house that has now become the new British High Commission in Maseru, in addition to replacing the steps at the front with a slope, we slightly changed the interior lay out. The downstairs loo used to be discretely hidden away down a short corridor – about this wide and with a 90 degree bend. Now that is all one larger restroom with a door wide enough for wheelchair access.

The Wheelchair Access Regulations mean that all new public buildings in Britain must comply with requirements for access, and existing buildings also have to make modifications – as we did at the British High Commission.

In the UK it is against the law for an employer to discriminate against someone because of a disability, and employers are required to make 'reasonable adjustments' to accommodate the needs of disabled staff.

It is also against the law for schools or other education providers to treat disabled students unfavourably. For example by refusing to admit a student due to disability.

Indirect forms of discrimination (such as not providing accessible application forms), and harassment (such as shouting at a student whose mental disability may stop them from concentrating) is also forbidden.

I am pleased to see Lesotho's legislation is also moving in this direction with recent progress on the long awaited Persons with Disability Equity Bill which will increase social protection, provide for more accessible government information, and make it illegal to discriminate against persons with disabilities in education and employment.

Now that the Bill has been discussed by both the National Assembly and the Senate, I hope that as soon as Parliament reopens, the final amendments



can be quickly agreed and the Bill passed to His Majesty for consideration.

Changing society's attitudes and understanding takes continued effort. Once Lesotho's Disability Equity Bill is passed, rapid action to set up the Independent Disability Advisory Council will be critical. And it is important the Government continues to listen to and work closely with the disabled community including the Lesotho National Federation of Organisations of the Disabled – and its associated bodies. They are the experts on these issues.

Legislation is, of course, not a magic bullet that will immediately eliminate.

In Lesotho the British High Commission has been pleased to work with the Lesotho National Federation of Organisations of the Disabled, the National Association of the Deaf in Lesotho, and the Lesotho National League of Visually Impaired Persons to assist the essential work they are doing to support visually and hearing impaired persons during the Covid-19 pandemic.

The past 9 months have been difficult for everyone—we have not been able to travel, 1000's of people are struggling to make ends meet as the economy has faltered during lockdown; and (although thankfully here in Lesotho the numbers are less than elsewhere) friends, family and acquaintances have got sick or lost their lives to the virus. It is a strange and confusing time of sanitising, self-isolation and social distancing.

And if it is strange and challenging for those of us who are able to hear and see without impediment, I can only imagine how much more frightening and more difficult it is for those whose vision or hearing is impaired or have other physical or mental disabilities.

In the UK and across the world people with disabilities have been struggling with the challenges that COVID – 19, and our response to the pandemic brings.

- with public information messages that are not fully accessible to everyone,
- with the difficulties of social distancing when you can't actually see how close you are to someone,
- with the impossible task of lip-reading when everyone is wearing masks;
- with lockdowns and rules on contact that cut people off from essential support services.
- and with the impact of enforced isolation on those with already fragile mental health.

Testimonies collected from 134 countries by the Disability Rights Monitor highlights how people with disabilities have been disproportionately impacted by the pandemic.

I hope that, through our partnership, the National Association of the Deaf in Lesotho, and the Lesotho National League of Visually Impaired Persons have been able to raise awareness of the challenges faced by people with disabilities during the pandemic, as well as providing accessible information and direct practical support to the deaf and blind communities in Lesotho.

This is one of a number of community based projects which the British High Commission has supported in Lesotho during the COVID pandemic. Others have included

- support to vulnerable families in Motimposo,
- help with anti-Covid measures and education in Malealea, Morija and Mafeteng,
- working with World Vision in Butha Butha,
- helping Riders for Health to improve

These community-level projects complement the funding to tackle COVID that the British Government is providing centrally through the UN and international organisations.

The UK is one of the biggest international donors in the fight against covid-19 pledging nearly £800 million of UK aid. We have increased our contribution to the WHO by 30% over the next four years, provided £250 million of UK aid to the Coalition for Epidemic Preparedness Innovations and supported the African Union's Covid-19 Response Fund.

Yesterday we announced a further 7 million pounds (143 million maloti) of emergency assistance to communities worst affected by the impact of covid-19 and drought in Southern Africa. The biggest share of that funding is coming to Lesotho to support the work that UNICEF; the International Federation of the Red Cross, and the International Organisation for Migration are doing here. Amongst other things, it will provide food and essential services to families in need, including cash for food and agricultural support to 5,000 households including 644 persons with disabilities.

The UK is also supporting work to develop an effective vaccine against covid-19. And we are committed to ensuring that all countries have fair access to these vaccines as they are developed. Britain will contribute £571 million to COVAX, which is an initiative designed to distribute a COVID-19 vaccine across the world. £500 million of this funding is for the COVAX Advanced Market Commitment, which will provide vaccines for developing countries including Lesotho.



Although there has been promising news on vaccine's recently, approving and distributing an effective vaccine worldwide is still, even in the best case scenario, several months distant. And most countries will, rightly, initially prioritise health care workers and the most vulnerable for receiving vaccines. So it is likely will be living with COVID – 19 well into next year or longer.

It is vital that we continue to support all members of the community in these difficult times – particularly those for whom even ordinary circumstances are a little more challenging.

I hope that this morning's event, and all the hard work being done by everyone here today – the

representatives of government, international organisations, and civil society especially the Lesotho National Federation of Organisations of the Disabled, will help to contribute to this goal, by raising awareness, and by reminding us of the importance, including for Lesotho's development, of genuine inclusivity - of leavening no-one behind. After all – the next Daniel Radcliff, or Josephine Orji or Stephen Hawking might be here in Lesotho just waiting for the support they need to shine.

GENERAL NEWS

Denying a Child with Disability a right to Education should be a crime:

By: Rabasotho Moeletsi

Education is a constitutional right to every child. Unfortunately this not case for Relebohile Shoaepane from Ha Jane, approximately 17 kilometers outside Teya-teyaneng town. Eleven years old girl has been out of school since 2017 when he wheelchair was worn-out. This brought misery in their family after what seemed to be a great journey. Her mother was in joyous mode when teachers from a local school had accepted to include Relebohile in school with other learners who are non-disabled.

"I was checking with her teacher every now and then as the school is not far us here (primary school is about a kilometre from Relebohile's home). The feedback was really good, teachers had accepted her, fellow learners loved her and very supportive. She was very happy to be in school, Relebohile's mother explained.

Ministry of education and training has adopted inclusive education policy in 2018 which provides for learners with disabilities to be included in the regular school setting with other learners, and Relebohile was one of the beneficiaries of that policy.



Nevertheless, for equal education to be fully achieved, a no-gap policy need to be in full swing. This means in order for a learner using wheelchair to access equal education, she needs to be able to move in and out of her home. She needs to access public space and transport herself to and from school, and to access school premises. That shows a network of actors is needed to reach this goal.

Different entities need to ensure that their respective spheres of responsibility provide the necessary opportunities and access to persons with disabilities on an equal basis with others. If any other element of the network fails in this obligation, then persons with disabilities are not able to benefit from other elements.

For example, Relebohile could not access education not because ministry of education had failed her, but because ministry of social development failed to provide her with an assistive device which is their primary responsibility.

Her mother knocked every office to request that her daughter be provided a wheelchair so that life can return normalcy again, but she returned empty handed. One of the reasons by the ministry officials was that Relebohile was required to take an assessment so as to be provided with appropriate device.

In 2018, LNFOD was asked to intervene. Working with expert from ministry of health, LNFOD undertook an assessment on Relebohile and few people who needed assistive devices in the area. There was so much hope, her mother said once Relebohile got a wheelchair she would asked the school for enrollment despite middle of school calendar.

However, that was never going to happen, ministry of social development had their own ideas to delay the process. When LNFOD office approached them with the assessment report they were told that Relebohile was not the first one and should follow the long queue of people who were waiting for assistive devices.

Three years down the line Relebohile could not access her fundamental right to education because the ministry could not budget for enough devices for consecutive four fiscal years. It was in 2020 when LNFOD got funding from MIVA Austria through support of development partners, Diakonie Austria and purchased appropriate devices for 30 persons with disabilities who had been waiting.

In December 2020, Relebohile and others received best Christmas ever as their devices were delivered to them.

That was end of suffering which took more than 3 years and effectively three years of being denied right to Education for Relebohile.

She was so happy to receive the wheelchair even though she could not say whether she was willing to return to school. Maybe this is due the fact that she has missed so much time and even her age-mates have now accelerated to the advanced classes.

This is so painful and it's a crime and somebody must be held accountable. You cannot suspend a fundamental right.

GENERAL NEWS

MBTC Protecting learners with visual impairment from contracting COVID-19

By: Steven Khanare

Mohloli oa Bophelo Rehabilitation and Training Centre (MBTC) is situated at Ha T'sosane in Maseru. It is the centre for the visually impaired people with the aim of equipping them with skills like; Orientation and Mobility, Braille literacy, Computer literacy, Home Economics (cooking, sewing, knitting and Home management), Candle making and Basic Hand Crafts which could enable them to make the living.

The year 2020 has been quite challenging to the operation of the centre because of Covid-19 pandemic this was the case especially because our trainees connect to the world through touching. We therefore had to take extra safety measures when it comes to our learning tools and classroom sitting arrangements. This of course required extra resources and expertise.

At the beginning of the first lockdown in March we had to close the institution because we were not fully equipped with the Covid-19 safe equipment as well as the skills necessary for handling the animal'. This was round the time when TVET institutions were to give final Examinations to their students, as a result we could not stay long at home we had to re-open schools in May for final examinations.

Shortly before reopening of the institutions, a one-day workshop was held for TIVETS principals in which they were capacitated on how to handle Covid-19. This in return equipped us with skills that made our work easy till the end of June where had to close schools due to rise in Covid-19 cases. However, although we had the requisite skills to operate safely the centre was still struggling as most of our trainees could not buy themselves PPE, and the Centre had to bear the such responsibility.

The TVET institutions' Principals with the assistance of TVD could not relax; they took all the

operating after the winter holidays. The negotiations between schools and the Ministry of Education and Training lasted until the end of August where it was agreed that the operation of the institutions should start early September under a long list of conditions that should be observed.



MBTC through the joined effort with the Lesotho National League of the Visually Impaired Persons (LNLVIP) was able to purchase the PPE for the Centre. It was also through the joined effort of the Principal's office and the Health Care Provider's office that the Covid-19 protocols were observed. Stickers that could be read by everyone entering the premises are placed at different places and the adherence to them is monitored by the Health Care Provider who makes it a point that everybody in the premises adheres and every visitor cannot reach any point in the premises unattended or without being screened for Covid19 signs and symptoms. Standard sanitizers are placed at every entrance for trainees and staff as well as the visitors and every classroom have a sanitizer for instructors. Another tool that played a major role in overcoming the Covid-19 challenges was the workshops that were held by the LNLVIP for its members on Covid-19 where the Principal was the key facilitator. This in return enabled the Principal to make necessary research on Covid19 hence the smooth running of the center till present.

GENERAL NEWS

Upholding Sexual and Reproductive Health Rights of Persons with Mental Disabilities in Practice

By: Lerato M. Ramoholi

Prior to the adoption of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), persons with mental disabilities were not regarded as equal before the law. In-fact in some jurisdictions they still continue to be regarded as minors without legal capacity. In Lesotho inhumane and derogatory words such as “lunatics, imbeciles, idiots” have been previously used to refer to such persons.

The case of Koali Moshoeshoe and Others vs DPP and Others (Constitutional Case 14/2017) is a landmark decision that must be celebrated and strongly upheld in Lesotho as it vehemently condemns the use of such words on the grounds that they strip persons with mental disabilities their dignity and integrity inherent in every human being. The result has been that in both law and practice, persons with mental disabilities are amongst others regarded as asexual.

This is seen in practices such as forced sterilization of women and girls with mental disabilities, forced use of contraception and sexual abuse that is mainly predicated on the misconception that women and girls with mental are “pure or clean” or that they “want it” due to an uncontrollable sexual urge they are believed to have. The latter is often the justification for forced sterilization that they are usually subjected to and also to avoid any pregnancy since their children are regarded as a burden to their families.

What needs to be highlighted is the fact that persons with mental disability are human beings like everyone else and as such they are entitled to full enjoyment of human rights like everybody else.

In particular, they have sexual agency inherent in every individual. Fortunately, LNFOD has trained the Lesotho judiciary on access to justice for persons with mental disabilities wherein it has not

only stressed on the need to protect persons with mental disabilities against sexual abuse, which is highly prevalent but also to be ready and willing to uphold their sexual and reproductive health and rights where it is clear that there is consensual sexual relations.

This means that whereas they must be reluctant to treat every case involving persons with mental disabilities as consensual due to the fact that they are prone to sexual abuse, on the other hand, they should be ready to uphold their SHRH where it is clear that there was consent. This requires a balancing act from the courts which is possible if the courts are trained on the rights of persons with disabilities over and above the availability of justice intermediaries to support persons with mental disabilities to issue a statement before the police and to testify before the courts of law.

In a recent case before the Thaba Tseka Magistrate Court, one party had intellectual disability and the other psychosocial disability and it was alleged that the girl had been raped. However, both parties were adamant that the sexual act was consensual since they were in a relationship. The court was faced with a dilemma since both parties had mental disability and engaged in a sexual act. Section 15 of the Sexual Offences Act provides that, “a person who commits a sexual act in relation to; or in the presence of a disabled person commits an offence.”

What happens where they are both disabled? What if they insist it was consensual? Can persons with mental disabilities consent to a sexual act or is it prima facie unlawful because they cannot appreciate the nature of the sexual act, are unable to resist the commission of the act or are unable to communicate the willingness to participate in such as pre-supposed by the Sexual Offences Act? Having been sensitized on the rights of persons with disabilities and with support from LNFOD, the rights and interests of persons with disabilities in the case were of paramount consideration.

Since the law remains ambiguous especially because it doesn't make reference to the severity of the disability but generalizes, what became apparent was that there is need to capacitate persons with mental disabilities on SRHR like everyone else so that they can be able to make informed healthy decisions. In the afore-mentioned case for example, although both parties were clear that the sexual act was consensual, they both admitted that it was not the first time and that in all the occasions, they did not use a condom or any other means of protection against sexually transmitted infections like HIV or unplanned pregnancy.

This means that we are failing dismally to empower persons with mental disability on their SRHR. There is need to realign the Sexual Offences Act 2003 to the international



obligations Lesotho has ensure it does not discriminate or exclude persons with disabilities from the enjoyment of their SRHR in the name of protection against sexual abuse. We also need to review all the other laws that exclude persons with mental disability from legal capacity and ensure that we support them to enjoy their human rights on equal basis with others.



LNFOOD

PARTNERS in Advocacy Work

With funding from

 **Austrian
Development
Cooperation**


**otto
per
mille**
CHIESA VALDESE
UNIONE DELLE CHIESE METODISTE E VALDESI

 **OSISA**
Open Society Initiative
for Southern Africa

