

DISABILITY LESOTHO



From the Editor

Dear Partner,

Once again the sun has risen for persons with disabilities to make their future work.

There are major challenges facing persons with disability society to work on. These challenges need to be addressed before they arise in order to ensure no one is left behind. While it is general view that persons with disabilities are left out, special focus need to be made to female persons with disabilities as they are faced with double jeopardy.

Disability Lesotho would like to see youth and women with disabilities taking part in decision making in this country.

This publication aims to contribute to the reflectivity of persons with disabilities in Lesotho and how they debate about the future of work. It also provide elements to ensure that the professionals who are committed to promoting

the employment of persons with disabilities have a better understanding of how to constantly adapt their own work.

If you 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,



A handwritten signature in black ink, appearing to read 'P. Letsau', written in a cursive style.

The Editor

DIRECTOR'S CORNER

This article is intended to update you on LNFOD advocacy on enactment of Persons with Disability Equity Bill and any other developments regarding policy developments promoting the rights of persons with disabilities in Lesotho.

By: Nkhasi Sefuthi

You may recall that, LNFOD through the financial aid from Diakonie Austria whose backdonor was the Austrian development agency (ADA) implemented a three year project from 2017-2019 which was reducing inequalities by among others advocating for laws which can strengthen protection of the rights of persons with disabilities including the Persons with disabilities Equity Bill.

It is worth noting that the journey towards realising the rights of persons with disabilities in Lesotho experiences a number of barriers including lack of political will of the government of Lesotho to pass the Persons with Disability Equity Bill and non-allocation of funds for the effective implementation of disability related policies such as the national disability mainstreaming plan 2015 and the national disability and rehabilitation policy adopted by government of Lesotho in 2011.

To be honest with the Basotho nation, there is really no justification from government of Lesotho as to why a mere legislation which is passed by simple majority can take years without been turned into law.

Where is the Persons with Disability Equity Bill?

The bill has been passed by the Parliament to the Senate in November 2019 following the successful second reading of the Bill by the parliament. The second reading took place 14 months after its first reading on 31st August 2018. The intervals in between and the pace at which the government is working on this Bill clearly demonstrates lack of interest in protecting persons with disabilities through a piece of legislation and government wants people with disabilities to believe that, government is working tirelessly to put in place the Persons with Disability Equity Act in place while there is actually no demonstrable effort which can convince one that government really wants to enact Persons with Disability Equity Bill into law.



Senate

The Bill is expected to be read three times in the Senate in which the Honourable members of Senate will be expected to review and propose amendments which should be rejected or accepted by the parliament when the Bill is voted into law by the parliament as soon as it is read for the third time in parliament.

It is not clear how much time the bill will take in Senate but **LNFOD** has been advised that, it depends on the political will of the sitting government to decide how much time they may want the law to be passed.

Red flags

LNFOD has already raised red flags about some of the provisions of the Persons with Disabilities Equity Bill to the Senate to consider proposing amendment in order to align the disability law with the UN Convention on the rights of persons with disabilities.

The first critical proposed amendment relates to the independence of the disability advisory council which is established as an autonomous body charged with monitoring implementation of Persons with Disability Equity Act.

Section 13 of the Bill empowers the Minister responsible for disability affairs to appoint Chief Executive officer of the council in consultation with the council. This provision is defective because it

compromises the autonomy of the council to exercise its functions free from the influence of the Minister responsible for disability affairs because he or she will have just appointed the Chief executive officer who will be expected to inspect the Minister concerning the implementation of the Act.

LNFOOD is therefore advising the senate to propose an amendment which empowers the council to recruit the Chief executive officer on merit through an open advertisement where everybody who meets the requirements of the position will be eligible to apply and be answerable to the council not the Minister of disability affairs.

The second defective provision is section 45E) which seeks to outline the criteria for a person with disability to qualify for a provision of a grant. The Bill states that in order for one to qualify for the grant, she or he should be severely disabled and he should produce a medical report confirming severity of his disability. LNFOOD has submitted that, this provision is not aligned to the UN Convention on the rights of persons with disabilities because it is looking at disability from the medical point of view in which severity of impairment is the determining factor rather than the social and economic conditions of an individual with disability. In other words,



LNFOOD submits that, the social assessment should prevail over the medical assessment because disability is not impairment. It is rather the attitudinal and environmental barriers which hinder persons with impairments from participating equally in a society.

Thirdly, the Bill has left out opinion of persons with disabilities regarding employment of persons with disabilities in which they said that the Bill should set out a quota for employment of persons with disabilities in the public sector and provide incentives such as tax rebates to private companies who employ more than 5 people with disabilities in their companies. LNFOOD is therefore calling upon Senators to consider these proposals and incorporate them in to the amendments which they will send back to the parliament for adoption.

LNFOOD is strongly urging the Senate to consider the above amendments for the benefit of persons with disabilities who will be directly affected by this law once it is being enacted into law.

Advocacy Aspect

Provision of disability grant by the government of Lesotho to people with disabilities

By: Nkhasi Sefuthi

This article is intended to update you on the advocacy on provision of disability grant as a form of social protection to people with disabilities which has been undertaken by LNFOD and its partners to date.

In 2014, the government of Lesotho introduced a social protection strategy that was aimed at preventing, protecting, transforming and providing social protection to the vulnerable groups including persons with disabilities, the elderly and vulnerable children by way of cash transfer.

However, the policy was implemented in a discriminatory manner because for the elderly and the vulnerable children, the policy was implemented as planned leaving out persons with disabilities for no clear reasons.

Persons with disabilities and through their representative organisation have been questioning what the government did about people with disabilities and called on government to provide grant on equal and non-discriminatory manner so as to reduce inequalities experienced by people with disabilities in the communities.

The argument was that Lesotho is a state party to the UN Convention on the rights of persons with disabilities. Article 28 states that, the member states have an obligation to provide adequate standard of living to persons with disabilities in an equal and non-discriminatory manner and ensure that the national social protection fully cover people with disabilities.

LNFOD has been advocating for the provision of the disability grant in all the post budget meetings held ever since the adoption of the social protection strategy (2014).

In his budget estimate on the 26 February 2020, the Honourable Minister of Finance announced that, government of Lesotho is introducing the provision of disability grant to people with disabilities in the fiscal year 2020-2021 in order to tackle disability based barriers faced by persons with disabilities in the social, economic, cultural and political spheres. This is a great milestone achieved by government of Lesotho in addressing social needs of persons with disabilities. However, the minister did not mention how much each individual will get and which eligibility criteria will be used in the process of giving out the disability grant.

Nevertheless, LNFOD is strongly urging the Ministry of Social Development to adopt the human rights based approach when designing and developing the criteria which will embrace the social model of assessment rather than the medical one which may not help us to achieve the desired outcomes of inclusion. This is to say that, severity of an impairment of an individual with disability should not be used to determine his or her eligibility, rather, the social assessment that looks into the external social barriers should be the one adopted to provide this grant.



GENERAL NEWS

Introduction of the “gender and disability in practice in Lesotho”

By Mabataung Khetsi

The Lesotho National Federation of Organisations of the Disabled is pleased to introduce its new project entitled “gender and disability in practice in Lesotho ” which is striving for achievement of the following objectives:

Outcome 1. Partner organisations in Lesotho have gained capacities to integrate gender equality into their organisational structure and work and share GAD knowledge internally and with relevant stakeholders.

Outcome 2. By 2023 partner organisations in Lesotho integrate gender aspects into their inclusive education work

Outcome 3. By 2023 women with disabilities in the programme regions have expanded their economic opportunities.

Outcome 4. Persons with disabilities, local duty bearers and JLO sector representatives in the programme regions are sensitized on gender based violence against persons with disabilities.

LNFOOD extends its sincere thanks to Diakonie Austria for considering to work with LNFOOD for the next 4 years following the successful completion of the previous program, “capacity development for the promotion of the rights of persons with disabilities) in December 2019. the new project has started from the 1st January 2020 to 31st December 2023. The previous partnership between LNFOOD and Diakonie resulted in a number of good outcomes including, establishment of 142 businesses for persons with disabilities of which 70% of these businesses is still alive and running: advocacy which led to the successful presentation of the Persons with Disabilities Equity Bill in Senate. The Bill is about to be adopted and it will guide the government and other stakeholders on how to uphold the human rights standards as set out by the UNCRPD.



LNFOOD

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GENERAL NEWS

Promoting Inclusive Education Quthing

By: Puleng Mosili

Children with disabilities in Lesotho have been and are still vulnerable to discrimination and over-protection denying them their right to Education especially in the rural side of the country where people have a very limited information on matters of education.

LNFOOD has been on a mission to promote the inclusive education policy in the Quthing district in 3 community councils (Mjanyane, Qomo-Qomong and urban councils) with the support of funds from UNICEF. The six-month operation which started from September 2019 to February 2020 focused on three outcomes: sensitization of community leaders, facilitation of enrolment of children with disabilities and assisting schools to be more inclusive (through reducing attitudinal barriers in 6 schools).

LNFOOD discovered not only attitudinal barriers but also a number of barriers faced by children and youth with disabilities both in and out of school preventing them to access quality education as their right

The barriers include non-disabled learners and teacher's attitudes that force children with disabilities to drop-out of schools prematurely, long distance, poverty as well as lack of support for those who have enrolled in schools before. This was revealed in a mission to find how many children and youth are out of school in the three councils so that their enrollment may be facilitated. 65 children and youth were found to be out of school for various reasons including the above mentioned.

Until sensitization of the communities and leaders, youth and parents or guardians of children with disabilities did not regard education as their right especially in their own communities, as thus it was quite normal for them to remain uneducated and unproductive. Thanks to UNICEF through LNFOOD we can now tell a different story.

Post the sensitization 4 children have been enrolled in primary schools while a list of the youth who need vocational training has been submitted to the ministry of social development for enrollment.

Children and youth are not the only ones who are challenged, teachers on the other hand face a great challenge in supporting the learners with special educational needs as they have no expertise. They shared with LNFOOD that those (learners with disabilities) already in schools suffer a lot as they (teachers) usually leave them behind because they work against time and completion of syllabus. They added that they don't receive much support from the ministry of education.

Both learners and teacher's challenges are a clear sign of a need for an intense training of everyone in the education system.



GENERAL NEWS

Berea District Branch visit by LNAPD

By: Makotoko Matsolo

On the 28th February, 2020 Lesotho National Association of the Physically Disabled (LNAPD) visited Berea to meet with the leadership of persons with physically disabled. The purpose of this visit was to listen to their progress, challenges and way forward on issues of advocacy. The visit was initiated by the members of LNAPD and the chairperson during International Disability Day. It was then that the promise was fulfilled.

The meeting was very successful as members of LNAPD in the Berea district from different places attended the meeting. The meeting stated that they are willing to be visited regularly and be empowered in everything regarding disability.

Members also received clothes packages from the organisation. It was a great moment to them as most of the members are in need of them. They also indicated their problems when approaching the Ministry of Development for assistance. The team tried to explain to its members on how the ministry is working, advised the to abide with all regulations put on place.

The organisation is willing to visit all District branches to motivate them to work for the organisation.



Swearing – In of members of the National Reforms Authority (NRA) under the legal notice No. 94 of 2019.



06th February 2020 saw the swearing in of disability rights youth leader, Mr. Jeremane Teele, by high court judge, Justice Moroke Mokhesi. Mr. Teele, a representative of organisations of persons with disabilities in this country was sworn in as a member of National Reforms Authority (NRA) at the event that took place at old parliament building together with the fifty eight (58) others from respective sectors. He brings an extensive experience and understanding of the disability inclusive reform agenda as he has been an active member of the task team which advocated for disability to be included in the seven (7) thematic areas under review. These are Constitutional, Parliamentary, Judiciary, Economic, Security sector, Public service, and Media reforms.



GENERAL NEWS

Inclusive Education in Lesotho: reflections

By: Makatleho Molotsi

It is a year since Lesotho adopted the National Inclusive Education Policy. With this policy, Lesotho undertook to fulfil its international commitments on inclusive education including SDG4. It assists the government of Lesotho through Ministry of Education and Training to afford quality education to all citizens including those with disabilities on equal basis. Owing to the fact, that education is universally recognised as bedrock for socio-economic development, it is vital that the government takes steps towards implementing this instrument. Now the question is what the government has done to make inclusive education a reality under this policy.

As per the reports by the Special Education Manger Mrs. Mapaballo Stlaba (MoET) through the special education Unit, Has started to disseminate Inclusive Education Policy in post- primary schools in 9 districts of Lesotho except the district of Mokhotlong which will be covered next week. This activity targeted the school principals who were also sensitized of inclusive Education. According to Mrs. Setlaba, the policy was welcomed by majority of the principals reached while it brought fear to some who believe that mainstream classes where students with and without disabilities learn together is impossible. She pointed however that this fear will soon be washed away as the special Education Unit is soon to train the in-service teachers on inclusive education. Mrs. Setlaba pointed however that the fact that special education unit has not been transformed to the Inclusive Education Department as the policy states significantly hampers the Unit's work to coordinate the implementation of this policy. She pointed among others that the unit is under-stuffed.

This also means that Special Education Unit is not capable to coordinate the implementation of the policy in terms with the policy. The delay in transforming the Special Education Unit in to Inclusive department will significantly delay the implementation of the Policy and making inclusive education a reality in Lesotho in terms with Sustainable Development Goal 4. LNFOD is therefore calls the Ministry of Education to transform special education unit into inclusive education department.



GENERAL NEWS

Mainstreaming Gender in Disability Inclusive Development

By: Lerato M. Ramoholi

The Lesotho National Federation of Organizations of the Disabled (LNFOD) is implementing a four-year project on gender and disability in practice. The project will contribute significantly towards the achievement of the Sustainable Development Goals in particular, to Goal 5 on gender equality and women empowerment. It is implemented in five districts which are Mophale's Hoek, Mafeteng, Maserurural, Berea and Leribe in fourteen community councils which constitute the program area. LNFOD has been actively involved in the advocacy initiatives that seek to promote and protect of the rights of persons with disabilities at the national level through the Convention on the Rights of Persons with Disabilities (CRPD). Some of the projects that have been implemented so far have revealed amongst others that women and girls with disabilities are particularly disproportionately affected in areas such as gender based violence and access to economic opportunities. For example, the project on Access to Justice for Persons with Mental Disabilities showed that comparatively there is a higher risk of gender based violence against women and girls with mental disability. The double discrimination as a result of the intersection between gender and disability renders women with disabilities more vulnerable to social exclusion and poverty. While gender depicts women as inferior to men, disability leads to further inferiority that is not experienced by women without disability thereby causing increased marginalization.

The CRPD is a very progressive international human rights convention which takes into

account the gendered aspects of disability despite the fact that it is a specific instrument that generally provides for the rights of the persons with disabilities. In its preamble it specifically recognizes that women and girls with disabilities are often at greater risk both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. One of the general principles reinforced by Convention under Article 3 (g) is equality between men and women. Article 16 goes further to specifically provide for women with disabilities and it recognizes that they are subject to multiple discrimination. It therefore urges State Parties like Lesotho to take all appropriate measures to ensure the full development, advancement and empowerment of women to guarantee them equal exercise and enjoyment of the rights under the Convention. Most importantly Article 16 provides for freedom from exploitation, violence and abuse through expressly making reference to their gender-based aspects. Accordingly, the project will contribute towards the implementation of these critical provisions of the Convention in order to comprehensively promote the mainstreaming of gender in disability rights advocacy initiatives to ensure that women and girls are not left behind.



GENERAL NEWS

HUMAN RIGHTS TRAINING FOR DEAF YOUTH

By: 'Mats'episo Mokhoromeng



With support from MillNeck International (MNI), a three day workshop on Human Rights and Advocacy was held for Deaf Youth. The workshop was from the 3rd to 5th February 2020 at LANFE Hall. The Purpose of the training was to equip Deaf Youth with the knowledge on Human Rights, Deaf Human Rights and Advocacy Steps.

The participants portrayed a number of issues regarding Human Rights and how to go about successful advocacy. In attendance we're Making Sara Houge, from MillNeck International; United States of America. Ms Houge was in Lesotho for a three week visit to follow up on the progress made so far about training the Deaf Youth.

Participants understood the role they need to play in advocating for Deaf Human Rights. It was a successful workshop. The facilitators were NADL and MNI project Team.



UPCOMING EVENTS & ANNOUNCEMENT

LNAPD Youth and Women Committee Elections

**Place: Itjareng Vocational Training
Centre**

Date: 28/03/2020

For more information, please conduct
LNAPD office on 22320366 or email:
lesothophysicaldisability@gmail.com

**LNFOD addresses the Senate committee
on law about the proposed amendments
to the Persons with Disabilities Equity
Bill on the 5th March at 010:30 at old
building of the parliament.**

For more information, please conduct
LNfOD office on 22320345 or email:
nkhasi@lnfod.org.ls

Empowerment training for youth

For more information, please WhatsApp
NADL office on 266 50510355 or email:
likopolesoetsa@gmail.com or
nadl92@yahoo.com

**LNfOD will host partners from
Austria and Uganda attending the
first knowledge management
workshop of the framework program
from the 20-24th April 2020.**

For more information, please conduct
LNfOD office on 22320345 or email:
nkhasi@lnfod.org.ls

**LNfOD will introduce the “gender and
disability in practice in Lesotho! To
14 local community councils forming
the program area from the end of
March 2020.**

For more information, please conduct
LNfOD office on 22320345 or email:
nkhasi@lnfod.org.ls

Lobbying different ministries on how to accommodate Deaf people

For more information, please
WhatsApp NADL office on 266 50510355
or email: likopolesoetsa@gmail.com or
nadl92@yahoo.com

ADVOCACY WORK



LNFOD

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