

DISABILITY LESOTHO



Editor's note

The highlights from ministry of Social Development indicated that will pilot Disability Grant in five (5) district of Lesotho namely; Butha-Buthe, Leribe, Thaba-Tseka, Mophale'shoek and Quthing. I am saying these so that DPOs and individual with disabilities can be equipped and attend all public gatherings that may be engaged in their places.

It will be important to PWDs to know exactly what Ministry of Social Development has planned to handle the issue of Disability Grant. I would like to take this opportunity to plea to all Lesotho DPOs to help their members with everything to track all requirements and guidelines.

It is sad that the ministry of Social Development announced to other persons with disabilities that will receive the disability grant without the processes mentioned earlier. To my understanding it says many will not get the grant, as most did not get public assistance. To those will not get disability grant I would advise to visit our councils to be assisted by Auxiliary social workers on all the processes.

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

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Editor

DIRECTOR'S CORNER

LNFOOD PRESS - STATEMENT ON THE PROVISION OF DISABILITY GRANT FOR PERSONS WITH DISABILITIES IN LESOTHO

By Nkhasi Sefuthi

Introduction

The Lesotho National Federation of Organisations of the Disabled (LNFOOD) 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 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, LNFOOD is equally concerned with the manner in which the MOSD intends the implement the disability grant.

Participation of organisations of persons with disabilities in the design of the disability grant MOSD did not involve the organisations of persons with disabilities in the design and formulation of the disability grant resulting into exclusion of the voice of persons with disabilities in matters directly affecting their lives. Organisations of persons with disabilities have just been told of the formulation of the disability grant by the MOSD on the 15 July 2021 in which the disability grant presentation was made and

inputs solicited. Exclusion of persons with disabilities in the formulation of the disability grant is a violation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) article 4.3 which obligates the state parties including Lesotho to involve persons with disabilities in all matters directly affecting the lives of persons with disabilities. In addition, their exclusion in decisions such as this will continue to perpetuate the social and economic disparities which disproportionately affect persons with disabilities in Lesotho.

Persons with severe disabilities

The Persons with Disability Equity Act clearly states that the provision of disability grant is for persons with severe disabilities. The Persons with severe disabilities are defined by the disability law as those with physical and mental impairments which are substantially limiting the full and effective participation of persons with disabilities in society on an equal basis with others. Contrary to this definition given by the Act, MOSD seeks to determine severity of disability by looking at the impairment or body condition of a person with disability instead of following the law by looking at the social and economic situation of an applicant with disability. It is important to note at this juncture that in the human rights context, severity of a disability is not necessarily caused by the seriousness of his or her impairment alone, the social and environmental barriers play a significant role in limiting the full and effective participation of a person with impairment.

As a result, the test used by the MOSD to determine severity of disability perpetuates discrimination and medical and charity model which is contradicting with the same Persons with Disability Equity Act they are trying to implement with the provision of disability grant.

To be precise, persons with disabilities are hindered by the social and environmental barriers they face in life to participate and not so much by their impairments.

That is why LNFOD strongly believes that the apocopate test to determine severity of disability should be a social one that is examining the social and economic barriers faced by the applicant whilst the medical expert can just be involved to declare the impairment of the applicant with disability.

Assessment

The Ministry further states that it will be the responsibility of the medical expert to determine severity of a disability and what the applicant with disability can do. This understanding that the medical expert can determine what a person with severe disability can do is not in line with the human rights standards set out by the CRPD. It undermines the humanity of persons with severe disability on the basis of their disability and does not consider them to be people who can control their lives. It is only persons with severe disabilities who can determine what they can do in life not anyone else including the medical experts.

It is not clear from the presentation the kind of tools to be used by the medical experts to assess persons with disabilities, because Lesotho does not have enough specialists and ordinary medical practitioners to undertake this assignment. It is going to be difficult if not impossible to carry out the medical assessment fairly and in a timely manner which considers the human rights of the applicant.

From the foregoing, LNFOD is deeply concerned that if the MOSD continue with the provision of this grant as it is, it will not reach a significant number of the beneficiaries who deserve it because the test used is not line with the human rights approach of disability and will reject beneficiaries with disabilities

The second component of the test is social in nature in which the MOSD has decided to use the existing test to determine the state of poverty of the applicant with disability. Though the MOSD has decided to use the existing social tools to determine the state of poverty of the applicant with disability, this will not do justice to an applicant with disability because the existing tools of the MOSD do not consider the socio-economic barriers faced by persons with disabilities in life.

Since persons with disabilities incur disability specific costs which other people do not incur, it is crucial to measure the disability specific costs and include them in the assessment. LNFOD therefore appeals to the Ministry of Social Development to reconsider using the existing social tools to determine the situation of an applicant with disability and adopt a new tool which consider the socio-economic barriers.

Amount of disability grant

The presentation by MOSD states that the successful applicant with severe disability will receive four hundred (M400) Maloti on monthly basis. The presentation goes further to states that the carer, parent or guardian of such a person will be compensated with M150 per month for caring for a person with severe disability.

Without discounting the efforts by government, it is submitted that these amounts do not promote the independence of persons with disabilities as the objectives of the grant indicate. government states that he objectives of providing disability grant as to improve the economic empowerment of persons with disabilities.

in addition, M150 for a carer, parent or guardian does not motivate him or her to support a person with severe disability. The Bureau of statistics housing census report (2016) indicates that persons with disabilities constitute 2.5% of the total population, which is about forty six thousand people across the country. However, the report does not indicate how many people with severe disabilities are there for obvious reasons that it is difficult to classify severity of disability.

As an organisation of persons with disabilities, our observation is that persons with severe impairments can be estimated at less than 5% of persons with disabilities, which is a small number of persons with disabilities. Considering that this grant is not given to everybody with disability and considering the small number of persons with severe impairments, it is submitted that government has an opportunity of raising the amounts to at least M800 for a person with disability and M500 for a carer.

Recommendations

- LNFOD appeals to government to engage organisations of persons with disabilities in the decisions affecting persons with disabilities as required by the national and international law including CRPD which obligates government to do so through article 4.3 and article 33 of the Convention.
- LNFOD strongly encourages MOSD to implement the disability grant in accordance with the Persons with Disability Equity Act which adopts social model of disability in setting up a test for determine disability. Disability is no longer seen in a person but in an environment which inhibits such a person to participate on an equal basis with others in society.
- LNFOD appeals to MOSD to adopt human rights-based approach in assessing persons with disabilities applying for a disability grant by designing social assessment tools which consider the social and economic barriers faced by persons with disabilities and involve medical experts to declare the impairment of an individual. Medical experts are not trained to tell what persons with disabilities are capable of doing in life. Medical experts are not trained to tell what persons with disabilities are capable of doing in life.

- It should not be left to the medical experts alone to tell severity but, a tool should be developed in consultation with organisations of persons with disabilities to be fill up by the medical experts which should just diagnose an impairment not a disability.
- LNFOD urges government of Lesotho through the Ministry of Social development to request support from the development partners to contribute towards the provision of the disability grant that is in line with the adequate standard of living in Lesotho.

Actions to be undertaken by LNFOD in this regard

1. LNFOD will continue to advocate for the provision of disability grant that is meeting adequate standards of living to the Ministry of Social Development through negotiations, lobbying and advocacy meetings.
2. LNFOD has submitted the standpoint of persons with disabilities to the Ministry of Social Development and awaits the response of the Ministry of Social Development.
3. If government does not respond accordingly, LNFOD will engage with the African and United Nations human rights mechanisms to highlight the situation of persons with disabilities in Lesotho including through shadow reports and other means.
4. LNFOD will continue its engagement with other civil society organisations working in human rights to find legal, social and economic means of addressing this issue.

GENERAL NEWS

DISABILITY: A DEVELOPMENT AND HUMAN RIGHTS ISSUE

By: Mojalefa Ntlatlapa

To continue.....

Attitudinal Barriers:

Persons with disabilities in Lesotho are treated with prejudice of varying degrees, regarded as incapable, inadequate, resentful, bitter, pathetic, tragic, pitiable, abusive, aggressive, criminal, unhealthy, dependent on charity, costly for society to support, drain on family resources, inferior, unemployable. Attitudinal barriers are characterized by beliefs and sentiments held by non-disabled persons about persons with disabilities. As a result:

- Most of the problems that are experienced by persons with disabilities, their families and the community are a result of the myths and retrogressive beliefs that are held about disability, like the view that disability is a curse from God. There is social stigmatisation for persons with disabilities that in turn force them into exclusion from mainstream public life. The excessive over-protection of some persons with disabilities lead to the development of a dependency syndrome which further prevent them from accessing social-economic services. This does not only affect the individuals but also their families. Economically, disability may affect the family in the following ways:
- Minimal contribution by the persons with disabilities to the family income;
- Diversion of the labour force within the family in caring for the person with disability;
- Straining limited family resources to provide special care for some persons with disabilities.

- In the majority of cases, persons with disabilities are treated as sick people who deserve sympathy, care and cure. The end result is that persons with disabilities are marginalized.

Economic Barriers:

Persons with disabilities are disadvantaged in terms of access to loans; land and property ownership; business ventures and employment avenues resulting in the majority of persons with disabilities living in abject poverty with no access to resources and income. Poverty alleviation programmes in most cases fail to specifically identify persons with disabilities as a target group. In the instance where they have been targeted, persons with disabilities still face lots of obstacles in being recognised as a group with entitlements.

These environmental, institutional, attitudinal and economic barriers, as well as many other negative factors are the result of prejudice born out of ignorance and misconceptions. It is imperative that strategies for public awareness be developed to eradicate misconceptions about disability. Persons with disabilities must also be offered wider and just opportunities to live independently in society with dignity and freedom to contribute to the richness of society.

GENERAL NEWS

Popularization of Persons with Disability Equity ACT; 2021 and inclusion of persons with disabilities in the ongoing security reforms in Lesotho

By: Mojalefa Ntlatlapa

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.



OPINION PIECE

Disability/VIP Parking.

By: 'Mantsebo Leluma

This symbol identifies facilities which are accessible to individuals with disabilities. Parking spaces and ramps are specifically designed and reserved for use by people with disabilities, people using wheelchairs, braces, crutches, walkers or canes, people with arthritis or heart conditions. These spaces are extra-wide to accommodate wheelchairs and are placed as close to the entrance as possible for those who are unable to walk long distances.

When you see the symbol of access on a parking space, please be considerate of other people's special parking needs and park your car in a regular parking space. It has been a long time issue in our country where you will find these parking spaces being used by people who completely don't fall under the above mentioned categories, mostly our leadership in government are mostly the ones who in turn use these spaces for their convenience disregarding the lawful beneficiaries. This is not right, it is unlawful.

There are a number of disturbing issues when it comes to the disability parking spaces: firstly you will wonder if the parking lot marshal are given education prior, do they have enough understanding as who should use these spaces or they have minimal knowledge, this is brought about the number of complaints and confrontations that have actually taken place between people with disabilities and the security personnel that secures these parking lots.

Normally they would be close by when the car drops a person, they expect to see a wheelchair, not taking into account that we have different kinds of disabilities, this has in its own brought back the sense of discrimination and to some extent abuse, honestly people should not be compelled to pull up their dresses so as to produce evidence of having some kind of disability.



As people with disabilities we have normalized the situation, but if we are made to relive the fact over and over, we feel we are continuously fighting a losing battle. These arguments take long time to settle, people will be steering at you as you exchange words with the security guards, causing unnecessary scenes. These parking spaces are reserved for people with disabilities not people with physical/wheelchair users, and this should remain and mean exactly what it says. Education intensification on how these parking lots are used should be considered. Should human resource be a problem, we are ready to self-dedicate and freely give it to those responsible.

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ANNOUNCEMENTS/UPCOMING EVENTS

**LNAPD will make awareness raising on Persons with Disability Equity
ACT no 24 of 2021 through Radio Stations**

August, 2021

For more information please contact LNAPD office on this number +266
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LNFOD

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