

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 June, 2016

This e-newsletter is a platform whereby partners in the disability sector share the good work they do and learn from the work of others. This includes news, events, updates, activities and all issues affecting people with disability in Lesotho. We therefore welcome contributions of any nature from all organizations working to improve the lives of people in Lesotho, including those with disability.

There are still attitudinal barriers included perceptions of negative attitudes towards people with disabilities by most people. Looking in to the country people with disabilities are denied to free movement like other Basotho. In most cases there are no pavements that accommodate people with disabilities.

People with disabilities in Lesotho face physical barriers such as transport, transport costs that includes to pay for their wheelchairs, the actual journey to the health centre, accommodation at health centres, drugs and equipment provision.

I wonder when the government is going to protect rights of people with disabilities in this country. Besides the fact that Lesotho do not have Disability Equity Act, there is what we call Building Control Act of 1995, which I think could be used in order to accommodate needs of every Mosotho including People with disabilities.

I want to plea to all decision makers, media houses, civil society or any interested people to help in anyway to include issues of disabilities in Lesotho programmes.

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

DIRECTOR'S CORNER

Anniversary of the adoption of the UN Convention on the rights of persons with disabilities; reflections on Lesotho

By: Nkhasi Sefuthi

The Convention on the Rights of Persons with Disabilities was adopted by the General Assembly by its resolution 61/106 of 13 December 2006. It came into force on 3 May 2008 upon its 20th ratification.

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Lesotho ratified this Convention on the 2nd December 2008 with the aim of advancing the promotion of the protection of the rights of Basotho with disabilities.

Article 40 of the Convention stipulates that "The States Parties shall meet regularly in a Conference of States Parties (COSP) in order to consider any matter with regard to the implementation of the present Convention."

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permanent mission is participating in the state party conference organized by the UN in June every year to share any matter regarding the national implementation of this Convention even though Lesotho has not yet submitted the state report as per the requirements of article 35 of this Convention which obliges member states to submit states report 2 years after the ratification.

The 2016 state party conference was held in New York from the 14-16 June under the theme **"Implementing the 2030 development agenda for all persons with disabilities: Leaving no one behind"**

Sub-themes:

- Eliminating poverty and inequality for all persons with disabilities
- Promoting the rights of persons with mental and intellectual disabilities
- Enhancing accessibility to information and technology and inclusive development
- Celebrating the 10th anniversary of the adoption of the CRPD

The Government of Lesotho is domesticating the UN Convention on the rights of persons with disabilities through the Disability Equity Act which has been the draft bill since 2012. The serious delay to pass this Bills continues to hinder the full participation of people with disabilities in the national development agenda effectively. Persons with disabilities continue to experience serious inequalities in terms of access to public buildings and social services due to lack of recognition of the rights of people with disabilities. In addition people with disabilities living in the rural areas are suffering from UN fair discrimination and lack of participation to be engaged in the economic activities in the communities in which they live leading to extreme poverty amongst Basotho with disabilities. Hence, the Sustainable Development goals are now calling upon the states to consider disaggregating data on disability on poverty goal 1. This is meant to bring the attention of the states like Lesotho to devise means through which people with disabilities can be mainstreamed in the poverty reduction schemes taking place at the national level.

LNFOOD urges the Government of Lesotho to use the conferences such as these one as an opportunity to reflect on its attitude towards the implementation of the disability related policies.

LNFOOD is strongly calling upon the Minister of Social Development to speed up the process of protecting people with disabilities through the Act of Parliament as per the requirements of the UN Convention on the rights of people with disabilities.

LNFOOD is appealing to the relevant portfolio committee of the Parliament to assist people with disabilities by holding the Executive accountable to present the Disability Equity Bill before the Parliament.

Like justice equality delayed is equality denied.

GENERAL NEWS

International Albinism Awareness Day, 13 June

By: Sefuthi Nkhasi



“People with albinism face multiple forms of discrimination worldwide. Albinism is still profoundly misunderstood, socially and medically. The physical appearance of persons with albinism is often the object of erroneous beliefs and myths influenced by superstition, which foster their marginalization and social exclusion. This leads to various forms of stigma and discrimination.

In some communities, erroneous beliefs and myths, heavily influenced by superstition, put the security and lives of persons with albinism at constant risk. These beliefs and myths are centuries old and are present in cultural attitudes and practices around the world.”

On 18 December 2014, the General Assembly adopted a resolution proclaiming, with effect from 2015, 13 June as International Albinism Awareness Day.

The United Nations Human Rights Council adopted a resolution in 2013 calling for the prevention of attacks and discrimination against persons with albinism. Moreover, in response to the call from civil society organizations advocating considering persons with albinism as a specific group with particular needs that require special attention, on 26 March 2015, the Council created the mandate of Independent Expert on the enjoyment of human rights by persons with albinism.

Background Information

Albinism is a rare, non-contagious, genetically inherited difference present at birth. In almost all types of albinism, both parents must carry the gene for it to be passed on, even if they do not have albinism themselves. The condition is found in both sexes regardless of ethnicity and in all countries of the world. Albinism results in a lack of pigmentation (melanin) in the hair, skin and eyes, causing vulnerability to the sun and bright light. As a result, almost all people with albinism are visually impaired and are prone to developing skin cancer. There is no cure for the absence of melanin that is central to albinism.

While numbers vary, it is estimated that in North America and Europe 1 in every 17,000 to 20,000 people have some form of albinism. The condition is much more prevalent in sub-Saharan Africa, with

estimates of 1 in 1,400 people being affected in Tanzania and prevalence as high as 1 in 1,000 reported for select populations in Zimbabwe and for other specific ethnic groups in Southern Africa.

In Lesotho, people with albinism face the same barriers because Basotho hold certain stereotypes against the community with albinism.

In response to the challenges faced by people with albinism, the association of people with albinism has been formed to address the challenges facing the acceptance of this specific group of our society.

Lesotho still has a long way to go in terms of tackling vulnerability and marginalization imposed upon the groups of persons with disabilities.

GENERAL NEWS

“Working hard is a key of success.....”

By: Matsokolo Ferete



Butha-Buthe – Joalaboholo at the village called Caldon lives a man with physical disability called Nele Motebang Majoro. When arriving here through marriage, I was told by my parents that nate Nele was working in South Africa doing contract duties.

Its like one weekend nate Nele was from work that is where he met three men who attacked him looking hoping that he has money. They attacked him to the extend that he ended up having a physical disability.

“I live on my own, I have nobody to stay with and I am self-employed. I repair radios. I was once working in South Africa in a construction company. I still remember vividly that I was hijacked and attacked by men on the 19th January 1972. That is how I got the disability.”

“My wife and I had one child. They left me immediately after the accident and that left me alone here with no one to stay with. She died followed by my son who was gun shot later.

I am now staying in house alone. Nobody is talking to me day and night unless there is a customer who could spent a time with me.

I did not get any compensation as they indicated that I was not on duty when being bitten.”

“I am able to build houses. I am now staying in a house which is not in good condition. I am trying by all means to see that I will at the end have a good house. The house does not lock. When I am out from the village, I found my things not in proper, there will be no food or my house being opened widely. I am using batteries, solar energy to repair the radios.”

“Like I said, I am staying alone, when coming to gather water from the well, I am always looking for small girls pay them with sweets or LSL 5.00 per the bucket of 20 Litres. I am doing this from the money I got after repairing the radios. I am also getting the money from the government of Lesotho from the ministry of Social Development. I don’t want to lie, this money from the government is not helping us at all, as it comes after a long time. I am also hiring people to wash my clothes together with the sleeping blanket and pay almost starting from LSL 20.00 upwards.”

“I think if the government of Lesotho could think and do things right for us people with disabilities, it would be better and we would live the better life just like other people who are not disabled.



GENERAL NEWS

AT- Info – Map Project Launch

By: SAFOD Disability Frontline



On the 19th April, 2016 in collaboration with its three core partners meaning University of Washington, AfriNEAD, and Dimagi officially launched the Assistive Technology Information Mapping (AT – Info – Map) Project at an event held at MASA Hotel, Gaborone, Botswana.

The AT – Info – Map is a 3 year project (2016 – 2019) that has the goal of mapping the availability of different types of assistive technology (AT) in 10 countries in Southern Africa.

The project is being piloted in Botswana and will be scaled up to other countries after one year. The first year involves designing and testing the technology system with small group of participants to ensure it is useful and understandable by both persons with disabilities and organisations involved in supplying AT

Chairperson of the Botswana Federation of the Disabled (BOFOD), Mr. Neiso Modise, stressed the success of the project in the region would very much depend on how Botswana would fare as a pilot country. He therefore called for unwavering support from the various stakeholders to ensure not only the success of the project, but also as a

collective commitment towards inclusive development in the country.

“So I see this as an opportunity for our country to show that we really care about issues affecting persons with disabilities in particular, and inclusive development in general. And we can only show that care based on the level of support that all participants gathered here today, and those that have not made it here, are going to render to the project,” he appealed.

Mr. Modise, who is also member of the Regional Executive Council of SAFOD, re-echoed Mr. Chiwaula’s observation that the timeliness of the project. He noted that the project came at an opportune time when Botswana was just at the brink of putting in place a national Disability Policy, and at a time when the debate for the enactment of a disability law as well as the ratification of the United Nations Convention of the Rights of Persons with Disabilities (UNCRPD) seemed to intensify.

“I am therefore positive that the rolling out of this project will, in a way, also affect this discourse and some of the challenges as well as positives related to Assistive technology to be unraveled by the project can be used to enrich these policies or pieces of legislation,” he said in a speech that can be downloaded here.

Throughout the event, a number of PowerPoint presentations were made by representatives of SAFOD, University of Washington and AfriNEAD focusing on Project overview/description, AT overview, AfriNEAD introduction, and CommCare

GENERAL NEWS

The forthcoming constitutional reform in Lesotho: Forecasting the future of the Disability Rights in Lesotho.

By: Masekara Sekoankoetla

One of the recommendations of the Southern African Development Community (SADC) is that Lesotho undertake the constitutional reform to address the current gaps in the constitution. This has also been the intention of the government since its inception. The question is which reforms will be favourable to the disability rights?

Section 18 of the Constitution does currently not express disability as the prohibited ground for discrimination. The omission of disability in this provision creates uncertainty whether one can enforce their fundamental freedom from discrimination if they are subjected to discrimination on the basis of their disability. It is arguable that the phrase 'or any other status' implies that's disability is a prohibited ground for discrimination. This is however subject to an interpretation of anyone. In the absence of the court's decision to this effect, this phrase remains uncertain and of less or no benefit to PWDs. Moreover, the omission of the word disability from this provision does not expose disability. It would be beneficial if the new constitution expressly prohibits discrimination on the grounds of disability. This will empower PWDs to come forth and vindicate their freedom from discrimination on the mere fact that they have a disability.

In addition, the constitution of Lesotho in section 23 grants the holders of the rights provided in part 4 the right to enforce their rights before the High Court as the court of first instance in the matter. Although this provision is progressive in human rights, it is not equally beneficial to PWDs with disabilities. It is less favourable to PWDs. In terms of this provision it is only someone who has suffered damage as a result of violation of the human rights or fundamental freedom who has a standing to enforce human rights and

fundamental freedoms provided for in part 4. By so providing, this clause bars the litigation on public interest. **This is the litigation initiated by the court itself or a third party who is not aggrieved rather than aggrieved party. It seeks to advance the cause of action of minority or disadvantaged groups or individuals or raising broad issues of public concern.** For one to be able to enforce their rights, they should have the requisite capacity to do so. This means they must have knowledge that they hold rights and are entitled to enforce them. In addition they must have courage to litigate their cases to finality and must have the financial capacity to bear the legal costs pertaining their case. The Living conditions study among people with disabilities undertaken by LNFOD in 2010 indicates that PWDs do not have the requisite capacity to enforce their rights. According to this report, PWDs are comparatively socially marginalised. As a result of this social exclusion, most of the PWDs are not aware of the provision of rights in the constitution. Those who have been educated of their constitutional rights by the DPOs do not have the courage to stand cases against the government. They often find it futile to litigate against the super power. In addition, as per the study report, PWDs in Lesotho are economically disadvantaged. This fact indicates that those PWDs who are aware of their rights and the procedure to enforce them and who have courage to enforce them lack the financial capacity to take their cases before the High Court. This is especially so because the Legal Aid provides to the financially needy members of the society is not enough to cover all the cases. If the new constitution provides for public interest litigation, PWDs will be able to enforce their rights easily. This is because they will not have to incur costs, be exposed to be litigation against the super power as the civil society organizations and the individual members of the society will present cases on their behalf before the High Court. In this regard, the new constitution will be progressive towards the rights of PWDs.

Moreover, the current constitution of Lesotho does not allow for direct application of the international treaty law in the courts of Lesotho. To this effect, the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) which is ratified by Lesotho two years after its adoption and not yet domesticated is not applicable in the courts of Lesotho.

The convention brings human rights and fundamental freedoms in to the context of persons with disabilities. Due to the fact that this convention is not yet domesticated, PWDs in Lesotho are not able to enjoy the human rights provided therein. This is contrary to the principles of universality, inalienability and interdependence of human rights which are foundational to this treaty

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ADVOCACY WORK



LNFOD

PARTNERS in Advocacy Work



European Union

