

# DISABILITY LESOTHO



## From the Editor

Dear Partner,

Welcome once again to the twenty-ninth edition of Disability Lesotho, the monthly email newsletter from Lesotho National Federation of the Disabled. This newsletter will cover news for November, 2014

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.

I would like to wish everybody a Merry Christmas and prosperous New Year. We are also now within the 16 days of Activism, among all these days, there are many important days like the International Disability Day, HIV and AIDS day, Human Rights Day, Volunteer's Day. This season presents us with a once per annum opportunity to take stock of past actions in the previous year, review as different players both public and private; our thinking and actions with respect to persons with disabilities. We also should seek and act to building just, peaceful and developed

societies inclusive of everyone. This as our motto says "Together as One". In this manner let everyone of us raise awareness, educate, advocate and act for the betterment of our common good.

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](mailto:pletsau@gmail.com)

If missed any edition please visit [www.infod.org.ls](http://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

### Game changer for people with disabilities: The adoption of the Convention on the Rights of Persons with Disabilities

The article is examining the way Lesotho is implementing the UN Convention on the Rights of Persons with Disabilities which it became signatory to on the 2<sup>ND</sup> December 2008. In particular the paper will evaluate the extent to which Lesotho is putting in place measures that, prevent unfair discrimination on the basis of disability.

I will first define unfair discrimination on the basis of disability so that we can establish the common understanding of what it means to say that, certain treatment of an individual with disability results into the unfair discrimination on the basis of disability.

Article 2: of the Convention on the Rights of Persons with Disabilities defines "discrimination on the basis of disability" as any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field including denial of reasonable accommodation.

On the side note, section 18 of **Constitution of Lesotho** does not specifically mention disability as the prohibited ground of discrimination. It is argued that, people with disabilities are still protected by this discrimination clause because they are human beings.

The only provision of the Constitution which specifically talks to people with disabilities is section 33 which particularly provides for the rehabilitation, training and social resettlement of persons with disabilities. In addition the provision calls upon the government of Lesotho to design policies that will promote the placement of people with disabilities at workplaces for their wellbeing.

Lesotho ratified the Convention on the Rights of Persons with Disabilities on December 2<sup>nd</sup> 2008.

Article 4 of the Convention calls for countries that have signed the Convention to engage in the development and implementation of policies, laws and administrative measures aimed at securing the rights of people with disabilities and to abolish laws, regulations, customs and practices that constitute discrimination towards people with disabilities. Hence, the Convention requires states that are party to it to engage in the formulation of legislative tools aimed at domesticating the Convention. To date Lesotho has not enacted disability rights legislation which will ensure that, people with disabilities access their rights on an equal basis with others. Despite the early ratification Lesotho has not done much in terms of complying with the article 4 of the Convention since its ratification in 2008; In fact, Lesotho continued to enact disability discriminatory laws even after the ratification of the disability right Convention.

To start with, section 57 of the Constitution of Lesotho provides that, people who cannot speak are not eligible to be appointed as senator. Meaning that, a Deaf person is constitutionally prohibited from being appointed in the upper house solely on the basis of disability. This provision is premised on the cultural believe of Basotho that, Deaf people should be excluded from participating in the national issues because they are ill.

**The National Assembly Electoral Amendment Act of 2011** provides for the category of people who are legally prohibited from participating in the general elections due to their social status. People with mental disabilities falls within the scope of the section of our society who are denied a right to vote on the basis of disability. The perception of the draftsmen is that people with mental disabilities do not have the capacity to decide on their own. Hence, should be denied off their right to participate in the elections.

In addition, section 30 of the National Assembly Electoral Amendment Act of 2011 extends very

vague protection in terms of participation of people with disabilities in the party politics. It simply says that, political parties shall ensure that people with disabilities participate in the political field. The section does not elaborate how the participation of people with disabilities will be guaranteed.

The way in which this section is couched signals that, people with disabilities were partially or not consulted at all during the development of this Act. Worst of all, females with disabilities especially those with intellectual disabilities are the victims of sexual abuses because most of the perpetrators if not all, are now aware that, the evidence of the person with intellectual disability is inadmissible in the court of law because the evidence is regarded to be unreliable as it is adduced by the person of unsound mind.

**Section 219 of the Criminal Procedure and Evidence Act of 1981** provides as follows;

“No person appearing or proved to be afflicted with idiocy, lunacy or inability or labouring under any imbecility of mind arising from intoxication or otherwise whereby he is deprived of the proper use of reason, shall be competent to give evidence while so afflicted or disabled”.

LNFOOD has been made aware by some of the prosecutors that, the above mention section is the living loophole of which lawyers of the perpetrators of the victims with disabilities break through. Section 219 of the Criminal procedure and evidence act runs in parallel with the article 12 and 13 of the Convention which calls upon state parties to recognize the legal capacity of people with intellectual disabilities in making sure that both civil and criminal justice of the state parties is accessible and inclusive of people with disabilities. Lesotho should as a matter of urgency remove, modify and eliminate sections like this one in its legal system so as to comply with the Convention on disability.

Apart from this, the **Parliament of Lesotho enacted Penal Code Act 2010** which has a section on abortion. The act illegalizes abortion in Lesotho. However, it permits abortion if the pregnant person should be giving birth to the

seriously physically and mentally disabled child subject to the consensus of more than one medical practitioner Section 45 C) creates discriminatory exception against children with disabilities to be born.

The exception permits the pregnant person to abort the child simply because the child is disabled.

**Section 45 C of the Penal Code Act 2010** contravenes article 5 of the (CRPD which calls upon the member states to prohibit discrimination on the basis of colour, race, birth, and disability to mention but a few.

Shockingly, the Parliament passed this provision despite the resistance demonstrated by the larger population of Lesotho including people with disabilities themselves against this exception on disability.

**Recommendations:**

LNFOOD strongly advocate for the compliance of the UN CONVENTION ON THE RIGHTS OF PERSONS with DISABILITIES to the government of Lesotho by removing, modifying, and eliminating laws that discriminate against people with disabilities. The government of Lesotho can only achieve inclusion only if it can consult with the people with disabilities and their representative organizations in the development of the laws, policy and programs that affect lives of people with disabilities.

## GENERAL NEWS

### 2014 Graduation ceremony at Itjareng



Graduates of Itjareng sitting smartly holding their certificates

On the 28th Nov, 2014 Itjareng Vocational Training Centre held a graduation ceremony for the outgoing trainees. The trainees were people with Physical, Deaf and Intellectual disabilities doing different courses like carpentry, leatherworks, metalwork, sewing and agriculture.

The centre with its founders realized that there are lacks on the standards to be followed by the managements of mainstream schools. Therefore, they find it necessary to try to meet those standards through the centre. Then the centre was established for vocational skills.

The centre has done its role of rehabilitating, training them in vocational and life skills that they did not have while at the villages and homes. The question is; who is going to give these trainees the capital to start their businesses? Will their families be able to support them financially to do what they have learned at the centre?

In an important step, the government of Lesotho ratified the UNCRPD in 2008; which force it develop an inclusive education system in which the general education system is fully accessible to children with disabilities. There is nothing that shows that the country on will domesticate this Convention. When will the government of Lesotho implement those contents within the Convention?

In order to ease things towards people with disabilities in Lesotho the centre became the first centre to train people with special needs in vocational skills. The skills that they acquired during the two years course will help them to participate in their communities and improve their lives. The association that owns the centre has established this centre in order to benefit people with disabilities. The trainees should be people with disabilities, people with disabilities that will be qualifying to hold positions within the centre.

People with disabilities can do jobs like everyone; the thing is people are still scared to employ people with disabilities. They still do not give them opportunity to show their ability. PWDs have rights to education and training. They also have responsibilities of education providers and measures which if implemented will be evidence of fulfillment and provide a defense against legal action, but now there are still problems.

Most of the people do not think that people with disabilities can do things that can change people's lives, they are wrong to that. Let us watch the production made by learners with disabilities, are they not wealth to be bought by anyone? It is the achievement to the founders of this centre to see people with disabilities improving.

What can be done? Removing barriers that people with disabilities are facing require structural changes in our society. Government of Lesotho has a duty to ensure that the benefits of reform and development programs in every field also reach disabled citizens. Special measures to affect this should be incorporated into government's planning process and administrative structures. The government through its ministry of Social Development has to establish the office that will only see that these graduates are having start-up kits and assistive devices to improve their lives.



Finished products made by carpentry department at Itjareng

It is during this graduation where the Director of Disability Services Ms. Mahlapane Boliba Makakola stated that the ministry is willing to give but for this year will start with the government institute for people with disabilities. It is very difficult for parents and guardians to support as equipment is very expensive especially those who are doing carpentry and metalwork. It is our hope that the government can change and improve lives of people with disabilities, especially after ratifying the CONVENTION ON THE RIGHTS

## Cheshire week celebration Lesotho

St. Angela Cheshire Home provides shelter to children with physical disabilities. The home was established with technical and financial assistance of the help of Cheshire Leonard in the early 90s. The objective of this home is to improve the quality of health to children with disabilities through support and to participate in social activities. The supports that are given to children were as follows;

1. Early Child Care Development
2. Support in inclusive education
3. Raise awareness about disability issues to the community
4. Self-reliance

The celebration was venerated by the presence of Her Majesty Queen 'Masenate Mohato Bereng Seiso.

It is well known that children with disabilities are the ones always given presents during such



Planning machine in a successful carpentry workshop

OF PEOPLE WITH DISABILITIES (UNCRPD).

Training people with disabilities then do not think of finishing point there is no use. It is wise for the government of Lesotho to think twice about improving, protecting, supporting, programming for PWDs just like other vulnerable groups in this country. PWDs have rights as citizens and taxpayers to enjoy their fundamental rights through provision of services

events. This year children with disabilities fundraised for the home. They raised awareness by talking about their lives to people. They cook and sell food and with the money, they bought presents and give them to children patients at Queen Memorial Hospital. Presents package included household products like were soap, Vaseline, toothpaste, towels and many.

It is a great obsession to give out to the need, children with disabilities wished everyone a Merry Christmas and Happy New



## GENERAL NEWS

### **African Disability Forum (ADF) established at Regional Meeting**

A meeting of nearly 40 regional and national leaders of organizations of persons with disabilities (DPOs) in Africa, which took place 17-19 November 2014, at the UN Conference Centre, Addis Ababa, established the African Disability Forum (ADF). The ADF aims to unify and amplify the voice of Africans with disabilities, their families and their organizations in advocating for their rights and inclusion in all aspects of development and society at Pan African, sub-regional and national levels. Until today, Africa was the only continent lacking a representative regional umbrella organization of DPOs, despite the existence of many separate DPOs. The DPO leaders, from over 20 African countries, decided upon the ADF membership and governance structure, approved a draft Constitution and planned next steps for its operation.

The ADF is an initiative of Mr. Shuaib Chalklen, the UN Special Rapporteur on Disability of the Commission for Social Development who chaired the Regional Meeting. The Deputy Executive Secretary of the UN Economic Commission for Africa, Mr. Adballa Hamdok welcomed and commended the Special Rapporteur and the UN Department of Economic and Social Affairs (DESA) for the initiative, noting "The number of people with disabilities in Africa is increasing and we are not talking about a small minority— it is estimated that up to 15 per cent of the African population live with some sort of disability. As Africa is rising, we don't want to lose the chance to have participation from more than 15% of our society."

Senior Social Welfare Officer of the African Union Commission, Mr. Lefhoko Kesamang, also welcomed the ADF, stated "The ADF will come in handy to speed up the implementation of the Africa Union Disability Architecture and UN Convention on the Rights of persons with Disabilities by African countries. The AU has been yearning to have a platform where DPOs could engage Heads of State and governments at the continental level as one. In this way, the AU will be able to hear one voice rather than several voices.

Through the establishment of the Forum, we have an opportunity to do something groundbreaking. We hope that networks across Africa will be strengthened and ultimately people with disabilities will be empowered to enjoy their rights."

Mr. Guozhong Zhang, Social Affairs Officer representing the co-host the Secretariat for the Convention on the Rights of Persons with Disabilities DESA based in New York, underscored that "The birth of the African Disability Forum comes at the very right time, at a critical historical juncture, when the international community are at the final stage of achieving the MDGs and considering a new global development agenda in the next phase after 2015." He expressed that "DESA as the UN disability focal point will look forward to ... close cooperation with all in the ADF, the AU and ECA. Together, we are stronger, and together we can help make a difference in advancing sustainable and inclusive development for all, including people with disabilities."

The launch meeting was made possible with support from the UN DESA and in collaboration with the AU and ECA as well as development partner organizations including the Abilis Foundation of Finland and the Norwegian Association of the Disabled. An Interim Working Group (IWG), created following a consultative meeting on the proposed ADF, which took place in Nov. 2012, was assigned the task to undertake the necessary organizational registration and guide the work of the ADF during its initial stage until a formal Executive Council is elected at the first ADF General Assembly, to be held in 2015. The IWG is composed of 10 leaders of continental, sub-regional and national organizations of DPOs, and includes men, women and youth leaders with disabilities from Algeria, Burkina Faso, Cameroun, Gabon, Kenya, Niger, Mauritania, Morocco, South Africa, Uganda, and Zambia

Further information about the ADF, contact the UN Special Rapporteur: Tel: +2782 775 1175,

Email: [chalklenshuaib68@gmail.com](mailto:chalklenshuaib68@gmail.com)

## GENERAL NEWS

### SADC Gender Protocol 2013 Barometer • Lesotho

Lesotho held a meeting on 50/50 post 2015 whereby women and girls with disabilities participated. The meeting was to review the Barometer 2014 and do the planning more for 2015 thematic areas.

The delegation from LNFOD women's forum were; Pascalina Letsau, Ntali Tau, Likopo Lesoetsa and Nanaki Mafoso.

Lesotho has performed relatively well in the governance sector as measured, the question is; is it realistic measures as realized that people with disabilities women in particular are always forgotten. Lesotho has almost reached gender equality at local government level.

The citizen's score of 76% is largely based on their perceptions of the results of the 2012 elections. How many women with disabilities did stand for elections? Does Electoral Act of Lesotho give women with disabilities opportunity like the allocation that has been made for women? There is a hope that the coming elections will raise the number of women in parliament.

The barometer showed that women's participation in economic decision-making the proportion has risen from 18% to 26%. When talking about decision making meant ministers, permanent secretaries and bank reserve bank governors.

There is more to be done in order to achieve gender equality in this sector by 2015. Greater leadership and political will is required. When doing the assessments all sectors of women should be approached such that even the minority groups are assessed. We, as women and girls with disabilities can be leaders or decision-makers in Disabled People's Organisations(DPOs). The disability slogan says; 'Nothing about Us without Us' this only shows that there is no way can someone plan and budget for you without the concern of such person.



Ms. Nanaki talking to her sign language interpreter during break

The protocol says; *'state parties shall by 2015 adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship taking into account the contribution of women in the formal and informal sectors'*. This is where women and girls with disabilities can enjoy the most as most of them are falling within the informal sector. The government of Lesotho is establishing so many institutions to train people but after being trained what is happening? Where do people go to seek funding?

The official launch was made by Mrs. Futho Letsatsi on behalf of the Minister of Gender, Youth, Sport and Recreation after reading the speech from the minister. The participants divided in groups according to the thematic areas and discussed them.

We did realize that in every meeting in this country unless there is someone with disabilities there is no way can issues of disabilities could be taken into considerations.

## OPINION PIECE

### Best practice Standards that can be followed in the management of mainstream schools

By: Pascalina Letsau

Education to people with disabilities is an eventual struggle. On a daily basis, there are obstacles that hind people with disabilities to attend school in an appropriate way. It is commonly agreed that there are challenges and mistakes somewhere in the educational system that needs to be addressed.

Let us look at standards that most mainstream schools do not follow through its managements.

**Erratic Enrolment**, that interprets as a difficult and troublesome way to enroll people with disabilities in any education system. The challenge is caused by many reasons like; not being able to walk to the prospective centre without any assistive device. They would-be learner resorts to stay inside the house due to this accessibility challenge.

**Participation** – even if children with disabilities enroll in mainstream schools, there are still barriers to education as inaccessible documents are still a barrier to learners with disabilities. In most cases, there are no Braille textbooks and sign language interpretation during sessions. Infrastructures like, toilets and classrooms is not suitable to move freely and enjoy school like their counterparts that are not disabled. As a result they perpetually remain isolated within the inaccessible school premises.

**Curriculum Development, Accreditation and Delivery** – these eventually challenges remain if the Ministry of Education is not willing and capable to develop the curriculum that will accommodate everyone including those with disabilities and train teachers that will be able to deliver in a way that learners with disabilities could understand. Finally, if there is no accreditation to institutions training PWDs to open doors for employment

opportunities. We still have problems to speak loudly saying we have achieved some certain aspirations of MDGs. The Ministry has to inform staff and students about the responsibility not to harass or victimize students with disabilities. It is always ethical and permissible to take appropriate action if harassment or victimization occurs and provide complaint mechanisms for students.

**Student Support Services** – learners with disabilities need perpetual support. The support can be through human resource, materials, assistive device or any other that will help them learn accordingly to their disability. The Ministry of Education also has to take account of the learning capacities and needs of the student. The Ministry should also be sufficiently flexible for the student to be able to participate indiscriminately.

**Elimination of Harassment and Victimization** – it is always happening that people with disabilities are being harassed and victimized within their communities. Therefore, it is advisable to enroll them in school that reduces both harassment and victimization. The Ministry of Education should also train the citizens about rights of people with disabilities, so that they could stop potential and incidents of harassment and victimization towards people with disabilities

## SPOTLIGHT



### Kananelo Lesoetsa – 8 years Old

#### 1. Tell me where you come from?

- I come from Ha Makoe Quthing but now stays at Ha Tsosane

#### 2. Are you the first-born child in your family?

- No, I am the second-born in my family

#### 3. Where do you attend school and in which class are you?

- I am in Grade 4 at Seleso Primary School

#### 4. What is the most subject that you like in the class

- The subject that I like most in class is English

#### 5. Are your parents working or what?

- My Mother is working in the Textile Factory at Thetsane and my father in mines in South Africa

#### 6. What do you want to be when you grow up?

- I want to be a top musician in Rap music

#### 7. How do you like to see yourself in future?

- I would like to see myself not in a wheelchair but using a walking stick which has some wheels

#### 8. What can you say about your stay at St. Angela?

- It is very nice indeed to stay at St. Angela because I have friends that I am playing with. We have things to play with and it is nicer when going to school. I love St Angela much

#### 9. What can you say to other people even those are not disabled?

- I love everybody and I wish them luck. We were in the hospital visiting children who are sick. I can only say; I wish them a Merry Christmas. People who will be driving vehicles please drive gently to avoid accidents because people are dying because of accidents while others are become disabled.

Merry Christmas to everyone!

# NEWS IN PICTURE



Children at St. Angela Cheshire Home doing Litolobonya



PWDs during Lesotho Smart-partnership roundable



Selloane receiving her certificate from the representative of TVD



Sitting cozily at Maputsoe Filter Clinic



Visually impaired children from St. Bernadette Resource Centre singing



Mr. Fusi Sefuthi Tsana-talana Community council Chairperson and his Wife



**Disability Lesotho is wishing all people around the World a Merry Christmas and a Prosperous New year.**



**May the almighty God bless you so that we can persist with the important role we are doing for people with disabilities.**



# ADVOCACY WORK



## LNFOOD

PARTNERS in Advocacy Work

