

# 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 October, 2020

Persons with disabilities in this country from different disability has been working hard to raise awareness to the communities on importance of how to create a better life for everyone, including persons with disabilities. The idea was to share the experience on how equal opportunity to persons with disabilities can benefit all communities.

The barriers faced by persons with disabilities in all aspects of lives hinder life processes to them, day-to-day lives with adequate accessibility in their communities, can change their lives to the better.

I would like to wish everyone a very blessed and a very successfully Disability day celebration. I would like to thank all supporters to this important event to us.

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,



A handwritten signature in black ink, appearing to be 'P-7' or similar, written over a light background.

The Editor

## DIRECTOR'S CORNER

### Progress towards enactment of the Persons with Disability Equity Bill

By: Nkhasi Sefuthi

This article is outlining the progress made by the Senate towards the enactment of the Persons with Disability Equity law to date.

#### Background

The Lesotho National Federation of Organisations of the Disabled has the mandate of promoting advocacy on policy and legal framework which takes into accounts the experiences and concerns of persons with disabilities. With the financial support from Diakonie Act Austria LNFOD is implementing a project, 'Inclusion for gender and disability in practice' which is advocating for the gender integration, women with disabilities empowerment and gender mainstreaming in the disability sector. One of the key advocacy issues pursued by this programme is to ensure that Basotho with disabilities are protected by the Persons with Disability Equity law. Persons with Disability Equity Bill has been pending in Senate since November 2019 awaiting deliberations and enactment of this much awaited legislation. The Senate has the power to amend and review Bills presented before the senate. As such, LNFOD through its gender and disability project had an opportunity to address the Senate legislative committee in the previous month in which LNFOD was arguing for amendment of this Bill to protect women with disabilities from gender based violence since they are more likely to experience gender based violence than their non-disabled counterparts due to their vulnerability in society. LNFOD decided to undertake this advocacy because the legal framework that is protecting women from sexual violence and abuse does not take into consideration the needs of women with disabilities such as women with intellectual and psychosocial disabilities. Sexual Offences' Act states that, it is an offence to have sexual intercourse with a person with disability with no consensual ability and denies such a person his

or her legal capacity to exercise rights including the right to access justice through provision of testimony in court on the basis of disability. Meaning that, the Sexual Offences Act denies women with disabilities the right to sexual and reproductive health rights by treating women with intellectual disabilities and psychosocial disabilities as human beings with no decision making capacity to engage in sexual activities just like any other persons. This provision of the Sexual Offences' Act is inconsistent with the UN Convention on the rights of persons with disabilities to which Lesotho is a state party which requires the member states to ensure that persons with intellectual and psychosocial disabilities are allowed to exercise the right to legal capacity and adequate support is given where a person with disability needs it to take a decision.

The Senate listened to LNFOD proposed amendments and pledged to consider the proposed amendments. On the other hand, the Ministry of Social Development was contending that all LNFOD's proposed amendments should be thrown away because LNFOD had all the opportunity to raise these issues before but failed to do so.

LNFOD is pleased to report that, the Senate legislative committee has completed its consideration of the proposed amendments and has made its report to the Senate last week indicating what they have adopted to be included.

in the Persons with Disability Bill before it is enacted into law. Unfortunately, LNFOD has not yet received the report to determine the extent to which the committee has responded to the concerns laid down by LNFOD. However, it is pleasing to note that progress has been made in pushing the Bill forward and the intention is that the Minister of Social Development will be asked to move the Bill in Senate in November before the celebrations of the international day of

persons with disabilities on the 3rd December 2020. Meaning that there is a high likelihood that the Disability Bill may be turned into law in November 2020.

LNFOD notes the progress made with great appreciation and continues to advocate for the execution of the decisions to enact the Persons with Disability Equity Bill which has been pending in the Parliament since 2018.





## ADVOCACY ASPECT

### The role of the NHRC on promotion human rights of people with disabilities.

By: Makatleho 'Molotsi

The government of Lesotho through the Ministry of Law and Human rights is currently working on putting in place the long established National Human Rights Commission (NHRC). This is an independent national human rights body responsible for monitoring the implementation of International and national human rights standards within the country. It is also responsible for promotion and protection of human and people's rights. This body was established by the Act of parliament in 2016 which later had to be amended to ensure that the NHRC so established would meet the standards set by the Paris principles on the National Human Rights Institutions.



The Ministry of Law in Partnership with UNDP is currently holding the workshops in which stakeholders in human rights are sensitized of human rights and the role of the National Human Rights Commission on the protection and promotion of human rights including the rights of people with disabilities.



In these workshops, LNFOD is also invited to sensitize the same stakeholders of the rights of people with disabilities and how these stakeholders can contribute towards the promotion in these rights. LNFOD is also sharing with the stakeholders the role that the National Human Rights Commission is expected to play towards the promotion of disability.

The two workshops have been held in Leribe for the North region and Maseru for the South Region while the last one will be held in Ha- Maseru for the Central Region.

## GENERAL NEWS

### Recognizing the Role of Intermediaries in Promoting Access to Justice for Persons with Mental Disabilities

By Lerato M. Ramoholi

LNFOOD wishes to comment Ms. Mafumane Makhele from Intellectual Disability Association of Lesotho (IDAL) who was trained as an intermediary last year in a project funded by OSISA, on Securing Access to Justice for Persons with Mental Disability. Since the training Ms. Makhele has worked very closely with the police, prosecution as well as the courts of Lesotho to assist them to record clearly information from persons with mental disabilities. Over and above being trained as an intermediary, she has long standing experience working with intellectually disabled persons in Lesotho. Over the years the justice sector has struggled to deal with cases involving persons with mental disabilities due communication barriers without any accommodations. Her role as the justice intermediary will



go a long way to bridge this gap in the justice system. So far Ms. Makhele with the support from LNFOOD has supported the justice system on various cases involving sexual abuse in her role as an intermediary. On the same note, LNFOOD sincerely comments the police, prosecution and the courts for not hesitating to reach out to LNFOOD for intervention of an intermediary whenever they are confronted with cases of this nature. The prosecution and the courts of Lesotho were extensively trained on access to justice under the same project on how to accommodate persons with mental disabilities in the system.

This comes after the landmark decision in the case of Koali Moshoeshoe and Others v DPP and Others/14/2017 which ruled that section 219 of the Criminal Procedure and Evidence Act 1981 is invalid. The section provided that persons with intellectual and psychosocial disabilities are not competent to give evidence before the courts of law. Failure to recognize persons with this type of disability as persons who are equal before the law does not only violate Article 12 of the United Nations Convention on the Rights of Persons with Disabilities which Lesotho has ratified but is also violates the Constitution of Lesotho as it is discriminatory on the basis of disability. In effect it excludes them from accessing justice on equal basis with others. Through the use of intermediaries persons with intellectual and psychosocial disabilities are effectively accommodated as the intermediary through experience dealing with persons with mental disabilities and thorough training as an intermediary is able to augment the evidence of such a witness in a way that assists the justice sector to understand, in due consideration of the disability in question. Mental disability witnesses are often unable to communicate eloquently hence this often compromises their evidence. In law any inconsistency in the evidence out rightly discredits the witness hence for those with mental disability, they are often declared incompetent to testify after psychiatric evaluation from Mohlomi Mental Hospital. This promotes impunity for the perpetrators thereby justifying criminality against persons with this disability, a majority of whom are women and girls.

At present the intermediary is providing the services to the justice system involuntarily in the interest of securing justice for persons with disabilities whom she dearly represents. LNFOD therefore pleads with the government of Lesotho to institutionalize all the accommodations needed to ensure that persons with disabilities access justice. For example, sign language is still not institutionalized at various stages in the system and this means that those with hearing and speech disability are also excluded. In as much as the intermediary in the children's court was also trained as an intermediary in this regard, it has not been easy for her to exercise this role since it is not fully accepted and recognized in the system.





## GENERAL NEWS

### "I enjoy Caring For Chickens....."

By: Pascalina Letsau



My name is Mantai Mohatlane, a mother to a child with physical disability. I leave at Nazareth – Ha Nqheku Thoteng. I am taking care to 8 family members including my husband who is now not working.

I started this project not on a serious note, someone lack Maize meal, I exchange 20 Litre of maize meal and gave me 2 chickens, a male and a female ones. Said Mantai "I enjoy caring for chickens, I started this project very little. I bought 2 chickens female and the male. I was not aware that by doing so will be popular as a farmer."

By the time LNFOD is giving support to persons with disability with Revolving funds, I did ask support in order to build shack as shelter to the chickens that I already had, food and utensils. I had almost 200 chickens when there is a good market.

I always communicate with these chickens by doing whistle, chickens are taking the sign what's about to happen and stop moving and come to me. I am very happy to be around them. I enjoy their company such that I cannot have any duties to perform except being together with them.

I am now taking care of 51 chickens with different sizes. Other chickens are about to have more chicks.

In March this year, 69 chickens died. I did not realize that they had herpes virus, I delayed to find medicine for them. Many people are now realizing that it is not difficult to care this type of chickens. I eat together with these chickens, every left over I throw it to them. It is easy for my family to have enough chicken meat, eggs and also when time has arrived can sell eggs to Basotho in the village of Ha Nqheku, but the idea is to have a huge project that can have an incubator to simulate avian incubation by keeping eggs warm at a particular temperature range and in the correct humidity with a turning mechanism to hatch them, if I can have the support to find it, I will make a real business.



## GENERAL NEWS

### Entrepreneurship Diversity is the answer during COVID-19 days:

**By: Rabasotho Moeletsi**

Retšelisitsoe Mangoele from Thabamokhele community council did not allow COVID-19 to end his hope in business life. Mangoele is one of the beneficiaries with disabilities who were supported in the previous program by LNFOD. He was indulging into Petroleum and Cream manufacturing group. When it was evident that Covid-19 has put a knock in most businesses due to regulations by governments to manage the spread. Petroleum and Creame manufacturing group was no exception as it continues to suffer since most of ingredients are sourced from the neighboring South Africa which have put restrictions at the borders. Mangoele has found another alternative and started a new business in which he manufacturers the masokoana from locally available material.

"I've started a new business enterprise by producing masokoana which is used by most families in the neighborhood.

The business is very viable and people here are very supportive. It was very easy for me since i graduated from Itjareng Vocational Training institute," said Mangoele.

"It is very pleasing for me to be using the skills I have acquired during my school days," added Mangoele.

He further added on the importance of financial letracy.

"My secret is simple. I separate my personal accounts with the business no matter how small the money can be. I took it upon myself to open a bank account," he concluded.





## GENERAL NEWS

### Role of parents of learners with disabilities in Education

By: Puleng Mosili

To a great extent co-ordination between the schools or teachers and parents or caregivers has been insufficient in Lesotho. Teachers minimally discuss issues concerning education of learners except during summative assessment whereby parents will receive reports of how their children have performed together with remarks. This denied parents to devise, along with the teachers a means of eradicating future threats to the education of learners. Moreover, social issues concerning learners including learners with disabilities are not usually tackled in solidarity by both teachers and learners. For a longest time in history parents and teachers had barrier lines drawn vividly: "What happens at school is the teacher's concerns and what happens out of school premises is not at all the teacher's business" likewise, parents are never very much engaged in the learning of their children's education including their social activities at school.

This has brought so many problems for learners with disabilities whom for a very long time had to face institutional and attitudinal barriers from both teachers and their non-disabled peers. Parents only intervened in worse situations whereby the child is severely illtreated. Children with disabilities generally dropout of school due to ill-treatment they face in schools among other barriers and parents and caregivers usually do nothing about that.

On the other hand, parents of learners with disabilities usually deny their children the educational right due to overprotection. This inhibits these children to create social relations with other non-disabled learners

leading to non-inclusive and tolerant societies.

The Lesotho Inclusive Education Policy, (LIEP) 2018 refers to teachers as the drivers of the educational initiatives within the school setting, however this does not mean that parents have no say. They are however considered equal partners in the children's education and decisions regarding their assessment, referrals, and placements. Parents are therefore supposed to promote positive attitudes towards the education of their children with disabilities in communities.



From the initial stages of children with disabilities' enrolment in schools, parents or caregivers should be engaged and fully participate in the academic and social education of their children.

## NEWS IN PICTURES



[#stay safe](#) [#coronavirus is real](#) funded by UNICEF



Distinguishing between impairment and disability to Teachers.



St. Catherine's visually impaired learners received braille covid 19 messages materials



LNFO and Affiliates are holding a public gathering in the Mohlakeng Community Council.

Please for more information regarding this programme, like Lesotho National Federation of Organizations of the Disabled Facebook Page and follow it.

## UPCOMING EVENTS

# International Day of People with Disabilities 2020

**Theme: “Building Back Better: toward a disability-inclusive, accessible and sustainable post COVID-19 World”.**

**District for Celebration: Thaba-Tseka**

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## ADVOCACY WORK



PARTNERS in Advocacy Work

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für die Welt**

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