

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 September, 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.

The world is talking inclusive cities these days and Maseru being the only city in Lesotho is expected to join the rest around the globe to make sure that Maseru is for all people inclusive of persons with disabilities. This coincides with new developments which are taking place in Maseru. However to individuals persons with disabilities, it presents a lot of challenges. This is due to the fact usual Bus-stops fall through meaning distances walked by

persons with mobility disability and therefore need for LNFOD advocacy to engage Maseru City Council and the police. In other news, as people with disabilities for now are happy to network with the Office of the First Lady, we wish to see other offices to learn from this office to approach people with disabilities when dealing with issues affecting the people in general.

I would like to encourage all women especially with disabilities to work harder wherever they are.

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

Removing barriers facing People with disabilities in terms of access to justice

By: Nkhasi Sefuthi

LNFOD is currently implementing a one year project on access to justice for persons with disabilities. The goal of this project funded by the Open Initiative Society for Southern Africa (OSISA) is to remove discriminatory Acts and Court procedures which act as barriers for persons with disabilities in accessing their right to justice.

In 2015, LNFOD conducted a study on access to justice for people with disabilities in Lesotho investigating the extent to which persons with disabilities are able to access justice and justice sector services in accordance with the Article 13 of the UN Convention on the rights of persons with disabilities.

The study was done bearing in mind that Lesotho is a party to the UN Convention on the rights of persons with disabilities and it is therefore under the obligation to remove all laws, practices and court procedures which limit, restrict or restrain persons with disabilities to access justice on the basis of disability.

The study came up with various laws and court procedures which act as barriers to persons with disabilities to access justice equally. For example, section 219 of the Criminal procedure and Evidence Act of 1981 prohibits people with psychosocial or intellectual disabilities to become competent witnesses before the courts of law on the basis of their disability. As a result, perpetrators are sexually abusing women and girls with intellectual disabilities freely knowing very well that, they will be acquitted by the courts on the basis of section 219 which

explicitly renders the evidence of people with psychosocial disabilities inadmissible in court proceedings.

The explicit exclusion of persons with intellectual disabilities on issues of access to justice perpetuated by section 219 of the CP&E is a serious violation of the human rights of people with intellectual disabilities in Lesotho. In addition, section 219 is running against article 12 on equality before the law by persons with disabilities and secondly the section in question violates article 13 of the CRPD which obliges the member states to ensure access to justice for people with disabilities. The Disability Convention obliges the member states to provide persons with intellectual disabilities with the supported decision making during the court proceedings rather than rendering The explicit exclusion of persons with intellectual disabilities on issues of access to justice perpetuated by section 219 of the CP&E is a serious violation of the human rights of people with intellectual disabilities in Lesotho. In addition, section 219 is running against article 12 on equality before the law by persons with disabilities and secondly the section in question violates article 13 of the CRPD which obliges the member states to ensure access to justice for people with disabilities. The Disability Convention obliges the member states to provide persons with intellectual disabilities with the supported decision making during the court proceedings rather than rendering their evidence inadmissible.

General comment to article 12 of the CRPD is providing the member states with the guidelines on how to ensure access to justice for people with disabilities particularly people with intellectual disabilities.

Worst of all, when persons with psychosocial disabilities stand as accused persons, they are not prosecuted, they are rather issued with an order to be institutionalised at the king's pleasure for an indefinite period. Access to court is a fundamental human rights of which everyone acquires by virtue of being human being. Human beings do not acquire human rights because there are laws articulating on their rights. In addition everyone has the right to dignity. Hence, it is inhuman to keep a person in an institution at the king's pleasure without undergoing a fair trial as contained by section 12 of the Constitution of Lesotho. Section 19 of the Constitution of Lesotho provides equality and equal benefit before and under the law. However, people with intellectual disabilities are not afforded their right to equality and benefit before and under the law on the basis of disability. Whereas, section 18 of the constitution is preventing unfair discrimination on the basis of race, political status, colour, sex and other status. It is inferred that disability is one of the prohibited grounds of discrimination under other status. No court has ever provided the legal interpretation of this conclusion pertaining to disability in this country.

In the light of the above, LNFOD launched advocacy around the removal of laws restricting the participation of people with disabilities in terms of access to justice. The Ministry of Justice and Correctional services has welcomed the initiative undertaken by LNFOD to ensure the right to access to justice for persons with disabilities in accordance with the article 12 and 13 of the UN Convention on the rights of persons with disabilities.

In addition LNFOD and its affiliates are working on the advocacy paper to be presented before the Chief Justice of the Courts of Lesotho to develop the inclusive court rules and regulations which will take the needs and rights of witnesses with disabilities into consideration. This is in line with the access to justice provision encapsulated by the Disability Equity Bill which is also anticipated to be presented before the Parliament before the end of 2016. The provision specifically obliges the Chief Justice to draw up the inclusive regulations taking into account the barriers facing witnesses with disabilities in the courts' proceedings.

LNFOD is truly inspired by the response of the Ministry of Justice and Correctional services and will ensure the implementation of the access to justice provisions of the Convention on the rights of persons with disabilities by presenting the proposal on amendments of the laws affecting access to justice for persons with disabilities to the Ministry of Justice and Correctional Services.

Truly speaking the initiatives on access to justice cannot be concluded within a year but, we are hoping to have made significant strides towards achieving inclusive access to justice for persons with disabilities.

LNFOD is calling upon the development partners interested in promotion of access to Justice for persons with disabilities to support the projects such as this so that people with disabilities particularly those with intellectual disabilities may exercise their right to access to justice and court on an equal basis with others.

GENERAL NEWS

LNFOOD and its member DPOs break the disability barriers in the health institutions.

By: Masekara Sekoankoetla

Under its current project titled 'Equal Rights and Full Participation' LNFOOD aims to break the disability barriers which hamper equal and equitable enjoyment of all human rights and fundamental freedoms including the right to health and healthcare services by persons with disability. Pursuant to this objective, it undertook a study on access to health and healthcare services by persons with disability (PWDs) in August this year.

The findings of the study were among others that (PWDs) do face a myriad of environmental and attitudinal hiccups when trying to access healthcare services. The study also reported that the nurses and healthcare workers also face challenges when serving these people. These as per the study emanate from the disability and human rights insensitivity on the part of the health personnel, absence of the disability friendly facilities and minimal intrinsic and extrinsic support to health staff on disability issues. In addition, the study reported that the absence of the disability inclusive health policies and trainings for health staff is also a contributing factor to these problems.

The study therefore recommended among the capacity building training workshops for health workers on the disability issues and the standards thereof. Propelled by the findings of the study, LNFOOD held the training workshops for the nurses and village health workers in the districts of Leribe, Berea, Mafeteng and Mohale's Hoek from 12 to 16 September.

The training workshops were on the right to access to justice by persons with disabilities. They covered the national and international

standards on access to health by PWDs and they could be best practiced by the health workers for the benefit of PWDs. In addition, the health personnel shared their challenges and opportunities when administering health services to PWDs. Likewise, PWDs shared their experiences when trying to access health services.

Having learnt about the current practises in health services and what the international and domestics standards on access to health prescribes, all the participants identified the policy and practice gaps. They also jointly identified the possible interventions and devised the action plans to seal the gaps in access to healthcare services by persons with disability.

All the participants pledged to act hand-in-hand and in full support of each other for the benefit of persons with disabilities in Lesotho. These trainings have informed the future LNFOOD and DPOs advocacy initiatives for equal and equitable access to healthcare services for PWDs. They have also paved a way for improved or equal and equitable access to justice by PWDs in Lesotho.

GENERAL NEWS

Light at the end of the tunnel?

By: Malehlohonolo Molelengoane

LNFOOD has on the 28th September 2016 held a sensitisation meeting with the Ministry of Justice and Correctional Services together with the investigating officers and the DPOs from LNFOOD's member organisations.

The purpose of the meeting was to sensitize the ministry on access to justice for people with disabilities. Following a study which LNFOOD carried out, it has been discovered that the laws in Lesotho are not in conformity with the UNCRPD to which Lesotho is a signatory.

Article 12 of the UNCRPD provides for access to justice for people with disabilities while Article 13 of the same provides for equal recognition before the law. In Lesotho, there are laws which tend to exclude people with disabilities from enjoying the same protection of the law like able-bodied people. These laws are in logger heads with the provisions of the UNCRPD. This is the background against which LNFOOD had a meeting with the ministry of Justice and Correctional Services.

The main focus was on Section 219 of the Criminal Procedure and Evidence Act of 1981. This section provides that people of 'unsound mind' are not compatible or legible to give evidence in the courts of law. This provision suggests that people with intellectual (and any other disability) disability cannot tender evidence in the courts of law. This section exclude persons with disabilities their right to access to justice.

Most of the times persons with disabilities fall victims of crimes; mainly sexual offences. Normally, when a person is a complainant, he gives account of what happened leading to the alleged crime. This means that persons with disabilities cannot give evidence on what befell them. Persons with disabilities are excluded from accessing justice because if they cannot give evidence it and the evidence of their supporters is rejected as hearsay, they cannot protect their infringed rights.

Talking on behalf of Ministry of Justice and Correctional Services, Mr Raswoko stated that some of the laws are aimed at protecting persons with disabilities. These laws are like sections 45, 46 and 52 of the Penal Code of 2010. He however said he hears LNFOOD's line of argument for amendment of Section 219 of the Criminal Procedure and Evidence Act of 1981 and inclusion of reasonable accommodation and supported decision making for people with disabilities. He went on to say that LNFOOD should write a proposal for amendment and submit to his ministry.



GENERAL NEWS

Empowerment workshop for women with disabilities - Courtesy of the office of First Lady

By: Likopo Lesoetsa - Mokhoromeng

The office of the First Lady in collaboration with LNFOD Women's Forum organised the workshop for women with disabilities, in commemoration of Women's Month August 2016. The workshop was held on the 15th September at Itjareng Vocational Training Centre, Masianokeng.

All organisations were represented in this workshop. Topics shared includes among others; how report and prevent any kind of abuse by CGPU Representative. Dr. Ntsekhe presented a sensitive topic on how Women and girls can deal with cancer and prevent it as well as HIV/AIDS. DR. Ntsekhe encouraged again women with disabilities to regularly test for cancer and HIV/AIDS.



Bedco Representative presented a topic on how to manage a successful business and among other things, the presenter encouraged People with disabilities to form some groups and organise themselves to start their own businesses.

As Bedco, they will help those groups to develop budinress plans which will help the clients to help them receives the loans from the banks. Bedco Representative strongly stressed that they are willingly want to work with people with disabilities, so women and with disabilities were encouraged to approach Bedco to seek for any help concerning business.



WILSA presented about drawing-up of a will for our children, this was a very hot topic because some participants were frustrated about the process of drawing-up a Will but however things became clear after questions and clarifications made. The participants were frustrated about how the ministry of Social Development is giving out its services to People with disabilities in this country, so they asked the office of the First Lady to intervene. The office of the First Lady promised to work the matter with LNFOD.

The main concern about abuse was during the 16 Days of Activism where the number of rape cases became allumly high. The First Lady 'm'e Mathat Mosisili thanked all participants for attending that important dialogue. She showed her happiness to work with people with disabilities as all people learn from each other.

GENERAL NEWS

Will there be justice for women with disabilities against based violence?

By: Pascalina Letsau

Justina is a deaf and intellectually disabled girl. She lives at st. Michaels Roma. She was sexually abused by one Lehlohonolo in her own house while her grandmother was absent.

This incident happened in 2015, this was proved by the villagers that Lehlohonolo used to visit this family while elders are not in-house. They broke the news immediately when realising that the girl is pregnant. So, he was a chief-suspect when the girl became pregnant.

The chief and the community policing committees arranged to call all males in the village, so that Justina could identify the person who impregnated her. Justina pointed at the same person who was the main suspect. He was then arrested by Roma police officers.

When questioned in the magistrate court of Lesotho, Justina due to her disability did not remember things accordingly. Therefore the suspect took advantage of that and said he is not guilty until he was taken to the correctional service for a year. Lehlohonolo's lawyer asked the magistrate to release him. The information I got from the police officer 'Mé 'Mampho at Roma police office is that; police officers have to take Justina to mental practitioner to determine severity of her mental capacity.

At first Justina did not want to have that child at all but she is now in love with her son. When talking to the interviewer, she said she does not want to loose the custody of her child at all.

Police Mrs. Sebeo said they have a huge challenge to deal with issues of disability as they do not know sign language – communication barrier. She also said they had many cases of abuse where individuals with disabilities were victims.

Police 'Mampho said; "issues of law are frustrating, prosecutors will be expecting an intellectually disabled person to give statement just like a non-disabled person, whereas Intellectually disabled people cannot talk before court just because they do not know those people. They are likely to change statements; like Justina did in court. The Lesotho government do not have systems in place to deal with such cases. She further said in other countries the court invites a family member to help by simplifying a question, so that the person can easily answer. The country which is practising this system is Kenya, I think Lesotho could also learn from this country."

"The most challenging thing is; we do not know how to communicate with deaf persons. This contributes to a hatred to our job."concluded Mampho with tears

"I now love with my child. I just wish that my son would grow in a happy family."said Justina with a smile looking at he child

"I don't think we cannot be able to help my grandchild to take care of her child. What I hate is to see the boy going around this village, because we do not know how this case will come to an end. This is horrible because I don't know if this boy could come and do something to grandchild when I am away. I hope will only be healed if that man can be arrested and kept where he is supposed to be."concluded 'Malebohang Makhetha

GENERAL NEWS

Long road to achieve meaningful inclusion to health care services

By: Rabasotho Moeletsu

District health care personnel underscore the critical need for inclusivity in the health care services and programs. This came up at the trainings which LNFOD conducted for health care workers in the four districts of Leribe, Berea, Mafeteng and Mohale'shoek. Trainees ranges from village health workers, the nurse clinicians and district managers. They were very much articulate that the services they give should affect everybody regardless of disability, gender, socio-economic or ethnic background as they take care of the most basic and essential asset, health. They however alluded to the fact that their services are still comprised when it comes to individual persons with disabilities. It was important to get firsthand information from people who are hands-on who meet clients with disabilities on daily bases. While they meet different challenges when they offer services to patients with disabilities, common at all levels was the issue of communication barrier especially for the Deaf community. Health care workers admitted that this negatively impact on their work as they lack sign language skills.

"Sometimes we rely on their body language though it is not always accurate. In the worst case scenario we send them back home to come with their parents or any member in the household who can ease communication. However, sometimes these patients never come back to the clinic," commended one nurse clinician from Mohale'shoek.

These challenges are stemmed on one central point - there is no targeting done for persons with disabilities by those in charge of designing health care programs in Lesotho. There are several

programs run by the ministry, but all do not have data on disabilities. Unless the ministry opts to have statistics of persons with disabilities in these programs, remedial actions will be difficult to put in place.

"We are happy for the training. We see the need to begin a journey to inclusion. We fully understand the urgent need to desegregate our data among others by disability," Mohale'shoek district health manger commended.

"Our hands are tight as managers at this level as things are still controlled at headquarters, we can't even hire office assistant for example. If that was the case Sign Language would form a skill which we recommend when we hire non-clinical staff here as such individual would play a backup to interpret for Deaf clients," she concluded.

Lesotho is a party to several international and reginal instruments which talk against any form of discrimination meaning it has an obligation to make sure all people benefit to the services and programs which are to benefit the country's citizens regardless of their disabilities. Government of Lesotho through ministry of health need to revise their plan operations to live up to the commitments. Persons with disabilities hope things will change, health care workers agree that things should change in the health system to ensure that no one left behind principle is realized. Then now LNFOD will be meeting the office the minister of health in coming weeks discuss measures to be put in place in order to ensure that persons with disabilities enjoy their right to health to the highest attainable standard without discrimination.

GENERAL NEWS

IDAL started a project

By: Pascalina Letsau



IDAL (formerly the Lesotho Society of Mentally Handicapped Persons) was founded in 1992 by parents of children with Intellectual disabilities. It aims to represent and protect the rights of adults and children with mental disability through the empowerment of parents and youth. IDAL operates in 21 branches in 8 districts of the country with a membership of 2000 individuals.

IDAL uses a community based approach to provide parents, carers and individuals with the support, training and knowledge needed to live and engage in their own community. IDAL operates in the four key areas of education, health, protection and employment.

IDAL office worked hard to look for funding from the government for us to establish this project. We are working hard to use the available resources around our villages to cook the aloe together with wax and oil.

So far we do not have market but we have planned to go in the villages to sell these Vaseline. We will not stop to cook Vaseline, the Vaseline we are doing is from the aloe, oil and wax. We get the aloe from the villages as our country has plenty of this aloe.

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wax. We get the aloe from the villages as our country has plenty of this aloe. We hope that all Basotho will support us by buying our product in order to give a hand to people with intellectual disabled. We would like to see our project growing and well known over the World." said Mafumane Makhele.



For energy we use gas to cook. The burner is different from other burners. Youth with intellectual disability will be the ones collecting the aloe from the village as they are always working hard.

NEWS IN PICTURES



Her Majesty Queen 'Masenate Mohato Bereng Seeiso and LNFOD staff



Members of IDAL busy with Petroleum jelly project at their premises



IDAL youth are cleaning their surroundings



Sensitization meeting with the Ministry of Justice



LNFOD staff and Officers from Ministry of Education and Training



Rabasotho and Morongoe's birthday party at LNFOD boardroom

UPCOMING EVENTS & ANNOUNCEMENT

Production of promotional materials on Inclusive Education and document best practices of inclusive education

For more information please conduct:
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Email: malehlohonolo@lnfod.org.ls

Wheelchair assembling& handover in Mohale'shoek 13-14 October

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Handover of Chickens in Mohlakeng, Manonyane and Thaba-bosiu community council

For more information please conduct:
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Handover of Chickens in Mohale'shoek - Thaba-Mokhele community council 24 October 2016

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Handover of Chickens in Mohale'shoek - Lithipeng community council 25 October 2016

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4 day training workshop of Police officers on Access to Justice, from 24th – 27th Oct,

For more information please conduct:
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SEPT, 2016

ISSUE 10 VOL 3

ADVOCACY WORK



LNFOOD

PARTNERS in Advocacy Work



NAD - The Norwegian
Association of Disabled



OSISA

Open Society Initiative
for Southern Africa



European Union



together we can do more