

The Gender Analysis Report

The Lesotho National Federation of Organizations of the Disabled

August 2020



Acknowledgements

This gender analysis study is financially supported by Austrian Development Agency (ADA). LNFOD's Gender Officer Lerato Ramoholi, with support from LNFOD'S dedicated team; the Executive Director Nkhasi Sefuthi, the Human Rights and Advocacy Officer 'Makatlheho 'Mollotsi and the Projects Coordinator Rabasotho Moeletsi worked tirelessly to ensure the study becomes a success. This could have not been possible without the support and contribution of LNFOD's colleagues from Diakonie Austria (DA), LNFOD's partner; Sara, the Gender and Disability Rights Advisor and Semone Peter, Programme Coordinator.

LNFOD would also like to express sincere gratitude to all the respondents who participated in this research. The contributions of UNFPA, the Ministry of Police, the Ministry of Gender and Youth, Sports and Recreation, the Ministry of Small Business Enterprise Development and Cooperatives as well as the Ministry of Education and Training, your contributions shed light into this work in a remarkable way. Most importantly, the contribution of civil society organizations such as Lesotho Council of Non-Governmental Organizations (LCN), Gender Links- Lesotho, Women and Law in Southern Africa Research and Education Trust (WLSA) and Federation of Women Lawyers (FIDA) is highly valued. Above all, this study could not have not been a success without the insights from the Disabled People's Organizations (DPOs) such as LNFOD and its affiliates; National Association of the Deaf Lesotho (NADL), Lesotho National League of the Visually Impaired Persons (LNLVIP), Lesotho National Association of the Physically Disabled (LNAPD) and Intellectual Disability Association of Lesotho (IDAL). Finally, LNFOD would sincerely like to thank the contributions of Persons with Disabilities on the ground whose information was a cornerstone for the entire research.

Table of Contents

Acknowledgements	2
List of Acronyms	4
Executive Summary	5
Introduction.....	7
Background and Context	8
Methodology	9
Sampling	10
Legal Framework	10
International and Regional Legal Framework.....	11
National Legal Framework	13
Report Findings	18
Gender Based Violence	18
Livelihood.....	25
Access to Education	30
Organizational Capacity Assessment	34
Disabled Peoples Organizations (DPOs).....	35
Women’s Rights Organizations.....	41
Recommendations.....	45
Conclusion	54
References	55

List of Acronyms

BEDCO	Basotho Enterprise for Development Corporation
CGPU	Child and Gender Protection Unit
CPEA	Criminal Procedure and Evidence Act
CPWA	Children's Protection and Welfare Act
CRPD	Convention on the Rights of Persons with Disabilities
CSE	Comprehensive Sexuality Education
CSOs	Civil Society Organizations
DPOS	Disabled Peoples Organizations
EA	Education Act
FIDA	Federation of Women Lawyers
FGDs	Focus Group Discussions
GAD	Gender and Development
GADP	Gender and Development Policy
GBV	Gender Based Violence
GL	Gender Links
GTC	Gender Technical Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural
IDAL	Intellectual Disability Association of Lesotho
LIEP	Lesotho Inclusive Education Policy
LNAPD	Lesotho National Association of the Physically Disabled
LNFOOD	Lesotho National Federation of Organizations of the Disabled
LNLVIP	Lesotho National League of the Visually Impaired Persons
LSEN	Learners with Special Education Needs
LWD	Learners with Disabilities
MGYSR	Ministry of Gender Youth Sports and Recreation
MoET	Ministry of Education and Training
NADL	National Association of the Deaf Lesotho
PWDs	Persons with Disabilities
SDGs	Sustainable Development Goals
SEN	Special Education Needs
SRHR	Sexual and Reproductive Health Rights
UDHR	Universal Declaration on Human Rights
UNFPA	United Nations Population Fund
WID	Women in Development
WLSA	Women and Law in Southern Africa Research and Education Trust

Executive Summary

Disability and gender are two socially constructed concepts that have been dealt with independently yet in effect the two are inseparable. In the disability sector, the rights of men and women with disabilities have been promoted as a collective without considering any notions of gender in as much as disability is hardly considered in the advocacy for gender equality. The differences, relationships as well as the experiences of men and women with disabilities have been undertheorized especially in the African context. In advocating for the promotion of the rights and wellbeing of persons with disabilities over the years, the Lesotho National Organization of the Disabled is no exception. The Gender and Disability in Practice project seeks to remedy this situation through promoting gender mainstreaming within the disabled people's organizations and disability inclusion within the gender and women's rights institutions to ensure that men and women with disabilities equally benefit from the programs implemented by developmental institutions. This goes hand in hand with the responsibility to ensure that gender equality is achieved at the organizational level within the overall structure of the disabled people's organizations through gender responsive legal framework and its general implementation to guarantee equality between men and women in these organizations. The gender analysis study therefore proved necessary to determine the lived experiences of men and women with disabilities and to identify the gaps that exist so as to establish a baseline for the interventions that are gender responsive for the informed implementation of the Gender and Disability in Practice project.

This paper is a gender analysis report highlighting the situation of men and women with disabilities in relation to the three study themes; Gender-Based Violence, Education and Livelihoods. It also entails an analysis of the assessment of the organizational capacities of Lesotho National Federation of Organizations of the Disabled and its affiliate disabled people's organizations to mainstream gender alongside disability as well as the gender and women's rights institutions to mainstream disability alongside gender. The report is an analysis of the findings of the study under the above mentioned themes and also an analysis of the international and domestic legal framework on gender and disability. The report is concluded by detailing comprehensive recommendations as drawn from the findings. Below is a brief outline of the key findings and recommendations of the study. A more detailed section on the findings and recommendations of the study is scheduled under the recommendations section of the report.

Key Findings	Key Recommendations
Gender Based Violence	
<p>Women and girls with disabilities are disproportionately affected by GBV due to the increased vulnerability on the basis of gender and disability which makes them an easy target.</p>	<p>The Ministry of Gender, Social Development and Police in collaboration with DPOs and women's rights organizations to raise awareness on GBV against women and girls with disabilities to promote GBV prevention, reporting as well as prosecution of cases involving women and girls with disabilities in the justice system.</p>
Livelihoods	
<p>The participation of PWDs in income generating activities is generally low but comparatively women and girls with disabilities tend to have limited access to economic resources than their male counterparts.</p>	<p>LNFOOD to facilitate the participation of women and girls with disabilities under the project area by supporting them with resources to start and manage their own businesses to bridge the economic inequality gap.</p>
Education	
<p>Teachers have not received adequate gender related training nor any supportive learning materials on gender yet data indicates that boys and girls with disabilities drop out of school at some point due to gender related challenges and this is worsened by the fact that disability is not included in comprehensive sexuality education curricular</p>	<p>LNFOOD to lobby and partner with National Curriculum Development Centre to develop materials that are gender and disability inclusive and sensitize parents, teachers and learners on gender responsive and disability inclusive Life Skills to promote continuity in learning for both learners.</p>
DPOs Organizational Capacities	
<p>LNFOOD and DPOs generally do not have skills to mainstream gender in their programs and their organizations hence issues concerning gender equality and women empowerment have not been adequately addressed.</p>	<p>LNFOOD to institutionalize gender within LNFOOD through engaging a gender focal person whose duty is to capacitate and support LNFOOD and DPOs staff on gender to promote the mainstreaming of gender alongside disability in all their programs as well as within their organizational structures to promote gender equality and equal participation between men and women with disabilities.</p>
Gender & Women's Rights Capacities	
<p>These institutions hardly systematically address the intersection of gender and disability in their overall mandate, policies and or strategies and as a result, women and girls with disabilities are left behind in their programming.</p>	<p>LNFOOD to capacitate the Gender and women's rights institutions on the intersection between gender and disability and how to mainstream disability alongside gender to promote the inclusion of women and girls with disabilities in their overall programming.</p>
Legal Framework	
<p>The Persons with Disabilities Equity Bill has been tabled before Parliament in 2018 and although it is in its final stages before the Senate, it has gender gaps and the gaps have been identified and</p>	<p>LNFOOD to lobby the Ministry Social Development and Parliament to engender the Persons with Disabilities Equity Bill before it is passed into law.</p>

brought to the attention of the Senate for the amendment before the Senate's approval.	
--	--

Introduction

The Lesotho National Federation of Organizations of the Disabled (LNFOD) undertook a gender analysis study as a baseline for the four-year project on Gender and Disability Rights in Practice. This project is to be implemented in the five districts; Leribe, Berea, Maseru, Mafeteng and Mohale's Hoek. The study was conducted in five community councils; Hlotse Urban Council in Leribe, Senekane Community Council in Berea, Mazenod Community Council in Maseru, Makoabating Community Council in Mafeteng and Thaba-Mokhele Community Council in Mohale'shoek. These councils are part of the fourteen community councils selected from the five districts constituting the project area. The gender analysis was commissioned in order to understand and identify underlying causes of gender inequalities and gender-based barriers faced by persons with disabilities in the local communities in order to adequately address the different needs and challenges of women and men through the project. This was over and above seeking to assess and evaluate the capacity of the disabled people's organizations and the women's rights organizations to mainstream gender and disability in their programs. In particular, the objectives of the study were the following:

- Provide qualitative and quantitative field data on gender disparities in access to education, to economic opportunities as well as data on gender-based violence against persons with disabilities within the program area with specific focus on the situation of women and girls with disabilities.
- Identify gaps in the organizational capacities of LNFOD and its affiliate DPOs to implement initiatives that are disability and gender transformative.
- Identify the role of women (with disabilities) in management at the local and national levels in these sectors
- Inform and recommend future possible steps to be taken by LNFOD, its affiliate DPOs, women's rights NGOs as well as the government of Lesotho in order to bridge the gender gaps among people with disabilities regarding their access to education, access to economic opportunities as well as to adequately address gender-based violence to ensure that developmental initiatives leave no one behind in line with the Sustainable Development Goals (SDGs) 2030 agenda and international human rights standards.

Background and Context

This Gender Analysis study was conducted in order to inform the implementation of the Gender and Disability Rights in Practice Project by LNFOD. The key areas under analysis were mainly; access to education, economic empowerment, gender-based violence as well as the organizational capacities of DPOS and gender and women's rights institutions to mainstream gender alongside disability and vice versa. Several gender equality and women empowerment initiatives in Lesotho have mainly focused on gender as a discriminatory ground inhibiting equality between men and women and girls and boys in our society. Other intersecting grounds such as disability have hardly been considered within gender movement in the same way as the disability rights movement has hardly considered gender in their advocacy efforts on disability rights. As a result, there is limited literature and hardly no data on the ground unearthing the situation in relation to the lived experiences of women and men, and girls and boys with disabilities which would in turn lead to the introduction of developmental projects that seek to address the challenges raised. This gender analysis study therefore came at the right time to ensure that the objectives, strategies, targets, indicators and actions in LNFOD's programming prioritize equal opportunities, participation and outcomes for both women and men with disabilities.

The statistics in Lesotho indicates that national prevalence rate of disability is at 2.5 percent and that females are more affected by disability as compared to males, constituting a higher percentage of 59% (Population Housing Census 2016). The Population Housing Census, 2016 further indicated that the situation is even more dire for women and girls with disabilities as out of 43,803 of disabled population aged 10 years and above 26,439 are housewives. According to the World Report on Disability 2011, the onset of disability may lead to the worsening of social and economic well-being and poverty through a multitude of channels including the adverse impact on education, employment, earnings, and increased expenditures related to disability. Therefore, an inclusive development approach that considers services, access, rights, and economics as part of a broader empowerment agenda spanning the lives of persons with disabilities is needed (Ministry of Social Development, 2019).

Unfortunately, the situation of women and girls with disabilities as compared to that of men and boys with disabilities has proven to be far worse when it comes to access to social services like education, health, employment and justice. Yet the lived experienced of women and girls with disabilities are missing in our literature which merely deals with disability as a homogeneous group. It has been noted that gender and disability are only two elements of intersectional and multi-discrimination, in that, both interact with other factors like age, income, type of impairment and also concern all areas of life (GIZ, 2014). Like gender, persons with disability can experience additional discrimination due to one or more intersecting factors gender, age, economic status, ethnicity, sexuality, race and nationality (UNFPA, 2018). The situation is even worse when it comes to GBV in that

women and girls with disabilities are both more likely to face sexual violence and abuse and less likely to access support before or following an attack and in reality many of them show a lack of self-esteem linked with economic and psychosocial dependence (Adams, 2018). Unfortunately, this situation will not change until girls and women with disabilities' voices are heard and they start to lead the change themselves, to share their interpretations and expectations from development, human, and women's rights initiatives and thereby hold different stakeholders accountable (Adams, 2018).

Methodology

The study was conducted and analyzed using the human rights approach as the guideline by ensuring that the rights and the views of the most affected are taken into consideration. In this case the rights of the disabled people, especially women and girls with disabilities, living under the study area were prioritized by ensuring that their views not only form the basis of the data collected but by further ensuring that the analysis extensively incorporates the realities that these people experience on the ground as expressed by them. Most importantly the gender and sex analysis was employed to examine and understand the relationship between women and men and girls and boys with disabilities.

The study used both qualitative and quantitative methods of data collection. Quantitatively, individual Interviews with PWDs and persons without disabilities who were general community members. The respondents were sampled purposely and assistance of disability focal persons and community counselors or area chiefs was solicited to identify respondents with disabilities. Structured interview guide was used to capture information for the individual interviews. The use of these tool was equally important because it provided data that would be quantitatively analyzed.

Qualitatively, a desk research was conducted through a review of key documents like national and international laws and policies to uncover the extent to which they further the protection and promotion of gender equality for persons with disabilities.

In depth interviews with key informants who generally comprised officials from government ministries like ministry of education, gender, small business (BEDCO) and the ministry of police (CGPU). Other officials included the chiefs and councilors at community level and the representatives of the disabled people's organizations and women's rights organizations for organizational capacity assessment. Finally, focused group discussions (FGDs) were conducted to get information from a group of relevant subjects at the same time. A total of ten FGDs were conducted comprising two groups in each council. One group comprised females with disabilities only while the other comprised males and females with disabilities and there were not more than eleven

people in each group. A grounded research theory approach was specifically employed not only at the data collection stage but also during the analysis of the data.

Grounded theory employs a variety of techniques designed to ensure that researchers enter into the required intimate contact with their data as well as bringing into juxtaposition different aspects of the data (Howitt and Cramer, 2011).

Most importantly, observations were used during the data collection stage. These were particularly very helpful during the FDGs and the interviews with the key informants. Some of the issues were uncommunicated during the interviewing session but through observations, the responses by the interviewees became clearer and easier to comprehend and reveal a true picture.

Sampling

Interview Method	Females	Males	Total
In Depth Interviews with Key stakeholders			
Educational Institutions	12	3	15
Chiefs and Councilors	3	6	9
Police (CGPU)	2	4	6
Ministry of Small Business (BEDCO)	1	-	1
DPOs	5	1	6
Gender and Women's Rights Organizations	5	1	6
Individual Interviews			
PWDs	53	98	151
Persons without Disabilities	67	90	157
Focus Group Discussions (FGDs)			
Females Only (5 FGDs)	50	-	50
Females and Males (5 FGDs)	26	27	53
Total Respondents			454

Legal Framework

The international and the national law play a huge role towards ensuring that the human rights of all people are protected, respected and promoted. Lesotho has ratified several international and regional human rights instruments. In order for these instruments to be applicable they must first be domesticated through an Act of parliament.

International and Regional Legal Framework

The rights of persons with disabilities have their roots in the fundamental human rights instrument, the Universal Declaration on Human Rights (UDHR) and have further been expressed in the subsequent human rights instruments; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR). The principle of equality and non-discrimination which is a normative standard in the International Bill of Rights forms the basis of the rights of persons with disabilities. Therefore, although there is no specific mention of disability in the body of these instruments, the human rights guarantees enshrined in these instruments equally apply to all persons including the disabled. The international and regional human rights instruments discussed in this research are limited only to those international and regional human rights instruments which Lesotho has ratified and which specifically refer to gender and disability.

The **Convention on the Elimination of all Forms of Discrimination against Women¹** (CEDAW) which is commonly known as the international bill of rights for women is the principal document that protects and promotes equal rights between men and women by ending all forms of discrimination against women. Although CEDAW does not specifically refer to disabilities in its provisions it holistically covers all rights such as the right to education,² employment³ and the right to be free from violence⁴ for all women including women and girls with disabilities. However, the Committee on CEDAW asked state parties to CEDAW to provide information on disabled women in their periodic reports. The Committee also asks CEDAW state parties to report on "measures they have taken to ensure that disabled women have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life."⁵ The CEDAW Committee on special temporary measures further observed that certain groups of women, such as women with disability, in addition to suffering discrimination directed against them as women, may also suffer from *multiple forms of discrimination*, based on additional grounds such as their disability.⁶

The **Sustainable Development Goals (SDGs) 2030⁷** under Goal 5 provide for gender equality and empowerment of women and girls. According to the UN Women (2017), For gender equality and empowerment to become a reality for all women and girls, it is indispensable that the specific concerns of women and girls with disabilities are

¹ Adopted on the 3rd September 1981

² Article 10 of the Convention

³ Article 11

⁴ General Recommendation No.19 and 35 of the CEDAW Committee

⁵ General Recommendation No.18

⁶ General Recommendation No. 25

⁷ Adopted on 25th September 2015 with 17 goals and 169 targets committed to eradicate poverty and achieve sustainable development by 2030.

mainstreamed across the entire SDG framework and considered across all targets for SDG 5. This means that the disability related concerns should be mainstreamed in education and employment as well. Target 5.2 under Goal 5 illustrates that Women and girls with disabilities disproportionately at risk of violence and that they are often targeted for their perceived powerlessness and vulnerability, mostly by men they know and rely on for care, support and companionship in dependent professional and personal relationships. The primary target of the SDGs is to ensure that no one is left behind, therefore by mainstreaming disability across the goals, it is likely that women and girls with disabilities will equally be included in developmental efforts.

The **Convention on the Rights of Persons with Disabilities**⁸ (CRPD) on the other hand is the main international instrument promoting and protecting the rights of persons with disabilities. This instrument does not only promote equality among people with and without disabilities but expressly states that equality between men and woman with disabilities is a foundational principle that applies to all human rights it embodies and responsibilities it puts upon member states.⁹ In its preamble CRPD recognizes that women and girls with disabilities are at a greater risk of violence, injury or abuse, neglect, or negligent treatment, maltreatment and exploitation both within and outside the home.¹⁰ It has therefore dedicated a provision to women and girls with disabilities which highlights the fact that women and girls with disabilities are subject to multiple forms of discrimination and mandates states parties to take measures to ensure their equal and full enjoyment of human rights and fundamental freedoms.¹¹ In addition, CRPD further directs states parties to take appropriate deliberate measures towards the advancement, development and empowerment of women with disabilities.¹² The CRPD therefore provides a very comprehensive framework for equal promotion and protection of the rights of women and men, and girls and boys with disabilities that must be fully embraced in both the gender and disability movement. This gender lens must therefore be employed across all the provisions of CRPD whether in education or in employment. As far as exploitation, violence and abuse, the CRPD expressly provides that their gendered aspects must be considered.¹³

Regionally, the **Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa**¹⁴ under Article 2 out-laws discrimination against women and mandates states parties including Lesotho to take legislative and other measures to this effect. The Protocol further guarantees to women a right to integrity and security of person

⁸⁸ Entered into force on the 3rd May 2008

⁹ Article 3(g)

¹⁰ Para (q)

¹¹ Article 6(1)

¹² Article 6(2)

¹³ Article 16

¹⁴ Adopted in July 2003

which in effect outlaws all forms of gender based violence against women.¹⁵ The protocol further mandates specifically protects women with disabilities to freedom from violence including sexual abuse, discrimination based on disability and as well as the right to be dignity on equal basis with others.¹⁶ The right to dignity is very broad in nature and where the PWDs are involved, it entails among others, respecting the needs of the disadvantaged members of the society. The provision of accommodations for example practically and expressly ensures that the needs of the disabled are considered hence provides recognition to the disabled.

National Legal Framework

Lesotho follows a dualist approach whereby international law has to be incorporated through legislation in order for it to be directly applicable and binding unlike other countries which follow a monist approach whereby international law becomes directly applicable after the ratification of the instrument. However, in practice there has been inconsistency in the application of these approaches by the courts. In the cases of *Joe Molefi v Legal Advisor and Others*¹⁷ and *Basotho National Party and Another v Government of Lesotho and Other*¹⁸ the court followed a strict dualist approach by explicitly holding Conventions cannot form part of the laws of Lesotho until they are incorporated into municipal law by legislative enactment. However in the cases of *Molefi Tsepe v IEC & Others*¹⁹ and *Fuma v Commander LDF and Others*²⁰ the courts directly relied on the international obligation that Lesotho has in order to arrive at the decision. In the former case where affirmative action measure which reserved one third quota of all Local Government seats for women through the Local Government Elections Act 1998 (as amended by an Amendment Act of 2005) was challenged on the grounds that it was discriminatory, the court relied on the ICCPR and CEDAW among others to hold that positive discrimination was allowed to bridge the inequality gap. In the latter case the court held that although Lesotho had not domesticated the CRPD it was bound by its provisions

In chapter II, the constitution²¹ of Lesotho guarantees to every men and women human rights enshrined in the aforementioned human international, regional and sub-regional instruments. In Section 18, The constitution which is the supreme law of the country specifically prohibits discrimination on the basis of among others, sex and gender perpetrated by either state and non-state actors. Although the constitution does not expressly prohibit discrimination on the basis of disability, it has been argued and

¹⁵ Article 4 (1)

¹⁶ Article 23 (b)

¹⁷ *Joe Molefi v Legal Advisor & Others* [1970] 3 ALL ER 724

¹⁸ *Basotho National Party & Another v Government of Lesotho & Others* Constitutional Case No 5/2000 [2003] LSHC 6 (BNP).

¹⁹ *Tsepe v Independent Electoral Commission & Other* [2005] LSHC 96

²⁰ *Fuma v Commander LDF & Others* (Const/8/2011) [2013] LSHC 68

²¹ 1993 Constitution of Lesotho

successfully held that the phrase; ‘and others’ includes disability as the prohibited ground for discrimination.²² In the same manner section 19 provides equal protection of the law for all Basotho. In the case of *Koali Moshoeshoe and Others v DPP and Others*²³, the court sitting as the Constitutional Court held that Section 219 of the Criminal Procedure and Evidence Act in that it is inconsistent with Section 2, 18 and 19 of the Constitution. Section 219 provides that;

“No person appearing or proved to be afflicted with idiocy, lunacy or inability or laboring under imbecility of the 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.

This section has been used for so many years to deny persons with disability equal protection of the law and therefore subjecting them to discrimination purely on the basis of mental disability. As a result, women and girls with intellectual and psychosocial disabilities who are often victims of gender-based violence have been the most affected as they are often excluded from accessing justice on the grounds that they are incompetent to testify as witnesses in court. In Lesotho the socio-economic rights such as health, education and employment are provided for under Chapter III of the Constitution. Section 25 of the Constitution provides that the principles under these Chapter are merely principles of state policy and such are unenforceable and may be progressively achieved by legislation or policy subject to economic capacity. Section 26 further provides for the adoption of measures to promote equality and justice especially for disadvantaged groups in the society to enable their full participation in all spheres of public life.

Since the ratification of the CRPD in Lesotho, there has not been any direct domestication of the Convention to date. However, it is worth noting that the **Persons with Disabilities Equity Bill** which was tabled before parliament in August 2018 is currently before the Senate as the last stage before it is passed into law. Although the Bill seeks to promote and ensure the protection of the rights of persons with disabilities as a collective, it is not gender responsive. The Bill hardly alludes to the multiple barriers that confront women and girls with disabilities and in particular makes no mention of gender-based violence in line with the CRPD or how gender will be considered in critical sectors such as health, education and employment. However, the gender gaps have been identified and have been brought to the attention of the Senate for the amendment.

Moreover, since the ratification of the CRPD in 2008, and pursuant to Section 25 and 26 of the Constitution, the laws and policies discussed below have a bearing on disability

²² Fuma v Commander LDF & Others (Const/8/2011) [2013] LSHC 68

²³ Constitutional Case/14/2017

and to a lesser extent on gender and disability. The **Education Act**²⁴ under Section 3 on purpose and objectives of the Act, provides for free and compulsory education at primary level for all in accordance with the provisions of Section 28 of the Constitution.²⁵ This includes learners with disabilities. It also provides for compulsory attendance for every learner under Section 6 (1) and (2). Although this provision seemingly provides for free and compulsory education Section 6 (3) (c) is contradictory in that it justifies absenteeism from school on the grounds of disability where such disability prevents such a learner from attending school. This is notwithstanding the fact that Section 4 (2) (b) of the Act obliges all the stakeholders involved in Education to ensure that a learner who is physically, mentally or otherwise handicapped is given the special treatment, education and care required by his or her condition, thereby implying either that there must be provision of accommodations for learners with special needs so that they can equally continue learning in mainstream schools or that they must be admitted to the special education schools due to the severity of the disability. In either case, absenteeism by reason of disability is not justified. **The Children's Protection and Welfare Act**²⁶ is very inclusive of children with disabilities. Section 11(3) provides under education and health that a child has a right to education regardless of the type or severity of the disability he or she has. It further provides under Section 13 that a child with disability has a right to education and training to help him enjoy a full and decent life and achieve the greatest degree of self-reliance and social integration. This section promotes diversity in learning whether through formal or non-formal means and inclusive education throughout learning. It also implies the need to promote learning that integrates life skills learning to enable a child with disabilities to grow to their fullest potential on equal basis with other children. The Education Act must therefore be interpreted in line with the Children's Protection and Welfare Act as a subsequent law regulating the rights of all children in Lesotho to the effect that all children must be in school irrespective of the nature of disability.

In 2018, Lesotho adopted the **Inclusive Education Policy** which aims to promote the integration of learners with special needs in mainstream or regular schools. However, it is worth mentioning that the Policy expressly seeks to ensure protection of the right of children with disabilities to enrolment in regular or special schools. It clearly states that the placement of learners with special education needs should be done after proper screening by professionals whilst ensuring that they are not rejected in school system. This clearly shows that even under Section 6 (3) (c) of the Education Act discussed above, there is still no justification for keeping a child out of school on the grounds that the disability is severe as upon proper screening and or evaluation such children can be placed in special schools. In this way children with disabilities will always be in school. Whereas the Education Act regulates mainstream primary schools and does appreciate

²⁴ Act 3 of 2010

²⁵ Section 3(a) and (c) of the Act

²⁶ Children's Protection and Welfare Act (CPWA) No 7 of 2011

that learners with special needs must be accommodated in these schools so that they can be inclusive schools, it does also acknowledge the existence of special education schools in its provisions. The Inclusive Education Policy provides for the inclusion of learners with disabilities in regular schools to give effect to Section 4 (2) (c) obliging all the stakeholders involved in education to ensure that a learner who has disability is given the special treatment, education and care required by his or her condition. According to the Policy among others special educational needs refers to a situation in which learners who are in need of additional support, depend on the extent to which education system adapt the curriculum, teaching and or provide additional human or material resources so as to stimulate efficient and effective learning for these learners. The Policy also gives Section 6 (3) (c) which justifies absenteeism by reason of disability a perspective in that learners with severe and profound disabilities can be placed in special schools after proper screening by professionals.

Section 24 on the right to Education under the CRPD does not make mention of special education but only refers to inclusive education. This can be seen from the fact that among others there is no mention of special education throughout the Article. It has been argued that inclusiveness does not mean supporting one model, but that the entire system be inclusive. Further that the word system does not imply homogeneity in all respects but that it connotes an openness to inclusive education, while at the same time emphasizing the intended goal for a more inclusive education (Anastasiu and Kauffman,2019). As stated by WHO;

“Inclusive education seeks to enable schools to serve all children in their communities. In practice, however, it is difficult to ensure the full inclusion of all children with disabilities, even though this is the ultimate goal. Countries vary widely in the numbers of children with disabilities who receive education in either mainstream or segregated settings, and no country has a fully inclusive system. A flexible approach to placement is important: in the United States of America, for example, the system aims to place children in the most integrated setting possible, while providing for more specialized placement where this is considered necessary. Educational needs must be assessed from the perspective of what is best for the individual and the available financial and human resources within the country context. Some disability advocates have made the case that it should be a matter of individual choice whether mainstream or segregated settings meet the needs of the child (Anastasiu and Kauffman, 2019).”

Therefore, Lesotho by making an express reference to special education while also introducing the paradigm shift to inclusive education could be following a realism approach like countries such as the United Kingdom, Mauritius which have ratified the CRPD yet have made interpretive declarations and or reservations, which emphasize that inclusiveness of an education system does not preclude the existence of specialized units such as special classes and special schools (Anastasiu and Kauffman, 2019).

Accordingly, full inclusion often means totally supportive environments, even if they are not in general education (Anastasiu and Kauffman, 2019).

The **National Disability and Rehabilitation Policy**²⁷ is a comprehensive policy that was adopted by the government of Lesotho in order to progressively create an environment where PWDs in Lesotho would be able to realize their full potential in critical areas such as education and training, decision making and employment. The Policy expressly provides that promoting equality between disabled girls and boys, women and men is one of its objectives as guided by the principles of non-discrimination and equal opportunity, to name but a few. Unfortunately, since 2011, the policy has hardly been implemented as no financial resources have been allocated towards its implementation. This shows that there is no political will towards ensuring the realization of the rights of persons with disabilities in this regard. Interestingly, under legal priority 10, the policy prioritizes policy and legal protection of PWDs through strengthening partnership with the Department of Gender for implementation of the National Gender Policy that promotes equal opportunities and participation by male and females. It also calls for advocacy for the review of all the legislation to ensure that all the laws are responsive to the needs of the PWDs.

Unfortunately, other laws that were enacted before the ratification hardly take disability into consideration or where they do, they still follow the medical approach to disability as opposed to the social model introduced by the CRPD. **Labor Code Order**²⁸ is the major instrument regulating employment in both public and private sector. This law prohibits discrimination in employment on the basis of among another sex and gender in relation to employment opportunities, work condition, retention and benefits.²⁹ Although this law could be argued to be inclusive of men and women with disabilities, it does not mention how this applies to people with disabilities hence stills leaves a lee way for disadvantaging either men or women with disabilities or both in as far as gaining livelihood. This is worsened by the fact that neither women nor men with disabilities can approach the courts of the law in case they are disadvantaged. Upholding Section 2 of the court in the case of *Khathang Tema Baits'okoli v Maseru City Council*³⁰ held that the right to livelihood is not justiciable in terms of the constitution nor can it be claimed on the basis of their constitutionally justiciable rights such as the right to life under Chapter II. So far there has not been a progressive judicial pronouncement upon which people with disabilities can rely to claim equality in work sphere. Moreover, this law places no obligation on the

²⁷ Adopted in 2011

²⁸ 1992

²⁹ Sections 5(1) and (2)

³⁰ CA (Civ) 4/05 CONST/C/1/2004

part of the employer to equally employ and provide reasonable accommodation to workers with disabilities.

Moreover, gender-based violence has been identified as one of the factors inhibiting gender equality among men and women with and without disabilities (Davis and Jaqui, 2015). **The Sexual Offences Act**³¹ is the principal law outlawing sexual violence against people with disabilities. In terms of this law, it is an offence to inflict acts of sexual violence against people with disabilities. This Act is highly progressive as it widens the scope of sexual offence to cover circumstances where physical violence was used as opposed to common law rape which was narrowly interpreted. Although this piece of legislation can be used to advocate for or end gender-based violence against either disabled gender with disability, it also has some inherent limitations. Firstly, this law suffers wording limitation as a result fails dismally to protect people with disabilities. For an example the law adopts the old medical model of disability in that it defines a person with disability as someone who is "...unable to appreciate the nature of sexual act or is unable to resist the commission of such an act or is unable to communicate his unwillingness to participate in such Act" due to disability. In the absence of disability specific legislation, or and or disability rights monitoring body, it is not easy to impossible to determine whether one is unable to resist, a sexual act or either communicate his or her unwillingness which according to the social model of disability is far beyond the fact people have impairments and therefore needs some accommodations. In addition, this law does not identify sexual violence as a form of gender-based violence or address it where it perpetrated as a form of GBV. Therefore, in the absence of a GBV specific law in Lesotho, it becomes harder to tackle sexual gender-based violence perpetrated against women and girls with disabilities.

Report Findings

Gender Based Violence

Data collected from the various respondents in the FGDs and individual interviews revealed that the respondents, both disabled and non-disabled have an idea of what constitutes gender-based violence. In the FGDs, disabled people indicated that sexual, emotional and physical abuse were the most prevalent followed by economic abuse. However, none of the participants has specifically been training on GBV. What came out from the FGDs was that women and girls with mental disabilities were prone to sexual abuse with at least one of the female respondents in the group having been sexually abused at one stage. One female respondent with mental disability stated that one of the factors that makes them vulnerable to this kind of abuse is the fact that they usually move

³¹ Act, 29 of 2003

about searching for ways to secure a livelihood hence they become endangered in the process. In another group however, the caregiver of a girl with mental disabilities who was reported to be a victim of sexual abuse more than once stated that the girl likes standing outside and then following every man that passes by and that these men usually take advantage of her sexually.

Unfortunately, this behavior has been interpreted by many to imply that women with mental disabilities are highly sexual and therefore that they leave no options for men. Although not unheard of, there was no information under the study area indicating that men with disabilities had been sexually abused. This information was further corroborated by the chiefs and councilors who reiterated that sexual abuse against women and girls with disabilities especially those with mental disabilities is predominately high and often underreported. Men have been identified as the main abusers and that in some instances the women condone this behavior by failing to report to the authorities. Due to their vulnerability as a result of disability and gender females are comparatively disproportionately affected by GBV. Immediate family members were also identified as emotional and economic abusers of persons with disabilities since they are often under their care and usually highly dependent on them.

Figure 1 below shows the sex and disability type with most abuse cases in accordance with the individual interviews and it reveals that comparatively, women with intellectual disabilities are the most abused. There is a general view in the program area that most cases of abuse target persons with intellectual disabilities as represented seventy-three (73) percent of the respondents who share this view. They are followed by women with hearing or speech disabilities at twelve (12) percent. Results further reveal disproportionate number of women with disabilities (77) percent compared to their male counterparts who account for (23) percent who suffer the most abuse. Another interesting observation is noted on the vulnerability of women to abusive behaviors compared to men across all disability types. Usually the perpetrators of abuse target victims who are the most vulnerable and, in this case, women and girls with mental disabilities are the most vulnerable due communication barriers and the fact that no one is likely to believe them because of their mental state. Perpetrators are aware that these characteristics make it difficult for these survivors of abuse to report.

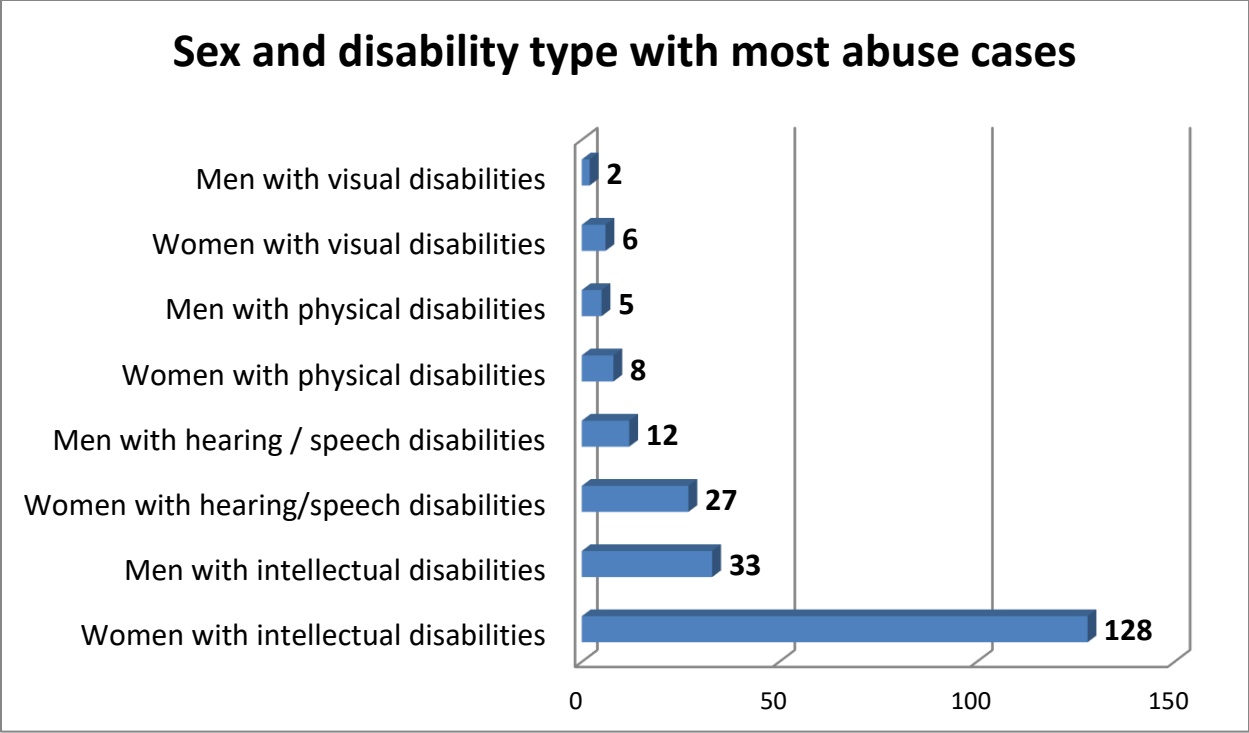


Figure 1 Sex and Disability type with most abuse

Generally, persons with disabilities and the non-disabled are of the view that the procedure for reporting gender-based violence is to first report to the chief who is expected to refer the matter to the police. Essentially the chief plays a huge role as he is a trusted leader with whom justice is essentially regarded to begin with. In some councils the police stations are far away and the chiefs are usually within reach instead. People have confidence that they can obtain justice if the chief is involved from the onset. Although the disabled people interviewed are aware that they can proceed directly to the police to report their case if the chief is not helping or if they are unhappy with the way he is handling the matter, in practice they are very reluctant to report directly to the police. On the other hand, both individual interviews and the FGDs revealed that people with disabilities who are willing to report their cases either to the chiefs or police, are usually dissuaded from doing so by the fact that they face a myriad of challenges including, the environmental, attitudinal and structural barriers. For example; One woman of hearing and speech disability indicated it is very difficult to report any crime to either the chief or the police because of communication barriers. The same goes for those with mental disabilities who indicated that they often feel humiliated as the authorities do not believe them when they report and that this is further compounded by communication barriers. The study further found that the chiefs and the councilors under the study have never had any training on gender and disability and thus do not have the requisite capacity to properly and efficiently handle cases GBV cases involving disability especially where the victims are women. This could be one of the reasons why they tend to be reactive and

sometimes less involved in addressing gender-based violence whereas their role is a very critical one towards the attainment of justice either through ensuring prevention through awareness raising at community level and or through propelling prosecution by liaising with the police.

The office of the CGPU was established as a specialized unit within the Lesotho Mounted Police Service to specifically afford services to victims of gender-based violence. Its mandate is mainly a protective one through ensuring prosecution of cases of children, women, and men who are victims of gender-based violence. It achieves this through investigating cases as well as sensitizing the communities on issues of gender-based violence. Five CGPU personnel were interviewed in the five districts under the study. The information gathered from this unit revealed that although there is a formalized system of data entry that is compulsory, disaggregation by disability is not mandatory hence whereas they all admitted to disaggregating according to gender, disaggregation according to disability is said to be subjective. There is an underlying misconception that PWDs are included in the disaggregation by gender since they are either male or female. Even more worrisome, data is only collected in relation to gender-based violence prosecuted cases which poses a problem for people with disabilities who are usually met by various environmental, attitudinal as well as communication barriers which disproportionately disqualify them from the onset.

Moreover, although it was admitted that the unit does encounter persons with various forms of disability, especially in cases involving sexual and physical abuse, it was admitted that disability is not in any way institutionalized within the unit. There are no qualified personnel like the sign language interpreters and the intermediaries who can handle those with communication needs. The unit is only able to assist through inviting DPOs to intervene which means the person with disability with communication needs will only be served at the discretion of the officer in charge depending on whether he or she seeks help or on whether help is available on demand. However, as far as physical access is concerned they indicated that they try their level best to reach out to PWDs who cannot physically access their offices by going to their homes or meeting them wherever convenient as a way to accommodate them.

Although some of the personnel in the CGPU mentioned that they have received basic training on disability in the past, they have not received any on the intersection between gender and disability and this greatly disadvantages women and girls with disabilities as the specific hardships they encounter due to this double discrimination is not considered. However, they admitted to having received training on gender especially so that they can help women and children who are often victims of violence and abuse yet they face multiple forms of discrimination as result of the patriarchal system that upholds male dominance. In the same way it is essential to consider how gender further intersects with other factors such as disability as this leads to a more intensified discrimination for women

and girls with disabilities. According to the respondents comparatively, women and girls with disabilities tend to be the ones who seek the services offered in the CGPU than men with disabilities. The offense that is mostly reported is sexual abuse by those with mental disabilities and in other instances by those with hearing and speech disability. Perpetrators obviously take advantage of the fact that persons with these kinds of disabilities have communication needs hence they are likely to encounter challenges when reporting which means no one would be likely to understand what they are saying, take them seriously or even believe them.

Interestingly, despite the judgment in the case of **Koali Moshoeshe and Others V DPP and Others**³² which held that persons with mental disabilities can testify in court, the respondents still refer to Section 219 of the Criminal Procedure and Evidence Act (CPEA) as one of the legal barriers preventing the prosecution of cases involving persons with mental disabilities. This Section provides that persons with mental disabilities lack capacity to testify as witnesses in the courts of law. These barriers generally lead to underreporting and prosecution of cases involving the disabled which means that comparatively they are not able to equally access justice. In theory, that is in accordance with the CPEA, the questions of competence and compellability to give evidence are inquired into by a judicial officer presiding over a case (usually a magistrate) and not the police officers.³³ However, in practice the police officers are the ones doing the inquiry either by illegally taking the witness to a mental evaluation or disqualifying the witness there and then once they realize the witness has mental disability. No effort is made, including to consult LNFOD which now has a trained justice intermediary within Intellectual Disability Association Lesotho (IDAL) who can effectively support witnesses with mental disability to give a statement before the police and to testify before the courts of law.

Despite this procedural irregularity, this finding also suggests that there has not been enough effort to disseminate the decision in the above stated case to all the stakeholders involved in the administration of justice. LNFOD implemented a project on access to justice for persons with disabilities last year and this was a one-year project. Through this project LNFOD was able to train magistrates, judges and prosecutors on access to justice for persons with disabilities and more significantly it was able to raise awareness on the landmark decision of Koali Moshoeshe cited above. Unfortunately, the trainings targeting the police were very minimal and hardly covered the current project areas. The CGPU unit was not specifically targeted in these trainings which explains the reason why some of them are not aware of the judgment.

³² Constitutional Case/14/2017

³³ Section 172 (1) and (2) and Section 218 of the CPEA

Moreover, the Sexual Offences Act was enacted in 2003 to combat sexual violence and prescribe appropriate sentences for sexual offences. The Act has specific provisions which protect PWDs from sexual violence. It provides that a person who commits a sexual act in relation to or in the presence of a person with disability commits an offence.³⁴ One of the critical roles of the CGPU is the enforcement of this Act not only to ensure compliance but also to raise awareness to the public. However, respondents from the CGPU indicated that, in the absence of thorough understanding of disability, it becomes difficult to discharge this mandate. For instance, a person with disability is defined as one who is "...unable to appreciate the nature of a sexual act, or is unable to resist the commission of such an act, or is unable to communicate his unwillingness to participate in such an act."³⁵ Due to the nature of disability which often comes with inherent vulnerability, communication barriers and the fact that people with disabilities are hardly empowered in relation to their sexual and reproductive health rights (SRHR), any communication that he or she makes that is outside the conversational means of communication is likely to be misinterpreted as a sexual offence. According to Shale (2015), in as much as the rationale behind section 15 is described as protection of PWDs from sexual assault and exploitation, the section has been viewed as prohibiting PWDs from consensual sexual relations thereby reinforcing the stereotype that PWDs are asexual. Therefore, there is need to adopt a more disability rights centered approach that embraces disabled people as possessing sexual agency than merely as passive and always in need of protection. During their interview, the respondents from the CGPU indicated that one of the greatest challenges they face is that there is no GBV specific law in the country, as a result GBV cases in some instances are treated as cases of assault and therefore as such are dealt with outside of the CGPU unit by ordinary police with no gender sensitive training. This is worsened by the fact that in some areas the office of the CGPU does not exist. In comparison with women and girls without disabilities, women with disabilities are not empowered on the Sexual and Reproductive Health Rights (SRHR) hence they are often vulnerable to contract sexually transmitted infections like HIV/AIDS or exposed to unplanned pregnancies and or unsafe abortion and forced sterilization instead. According to Frohmader, there is a dearth of accessible and relevant information and education for women and girls with disabilities on sexual and reproductive rights. Accessibility in this case includes the right to seek, receive and impart information and ideas concerning SRHR in an accessible format, while a further dimension of access includes being able to understand and meaningfully participate in the services and programs available, including information and education resources (Frohmader, 2012). The Children's Welfare and Protection Act (CWPA) 2010 also provides under Section 13 that a child with disability has a right to education and training to help him enjoy a full and decent life and achieve the greatest degree of self-reliance and social integration. In fact,

³⁴ Part V, Section 15 (1) Sexual Offences Act 2003

³⁵ Section 2 of the Act.

the information obtained from the individual interviews indicates that both the PWDs and those without disability believe that empowering women and girls with disabilities about GBV directly would immensely contribute towards the eradication of GBV. According to Figure 2 below, ninety-one percent (91%) of the respondents' give a general view that a woman with disability has a right to learn about gender-based violence since it amounts to legal empowerment. In some way, they will know about their inherent right to dignity as guaranteed by the Constitution which entails among others the right to be free from any form of abuse.

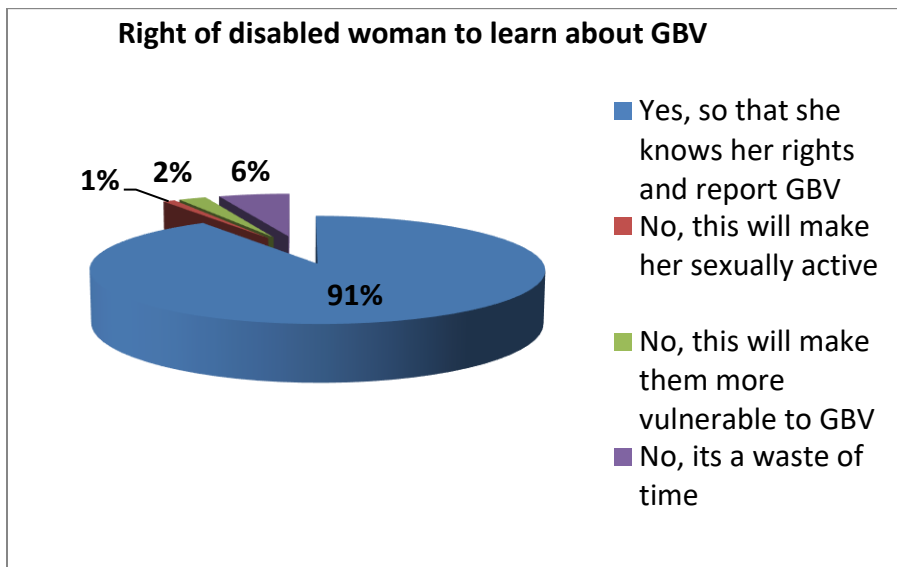


Figure 2 The right of a disabled woman to learn about GBV

Figure 3 below further illustrates that 30% of the respondents are of the opinion that the most effective way to protect women with disabilities is by educating them on GBV while 28% believe that empowering the caregivers and the community would be the best option. Only 12% were of the opinion that educating the community leaders and the police was the best option. Therefore, empowerment through education is regarded as the best advocacy strategy as it makes the people aware of the issue that leads them to take active steps against GBV.

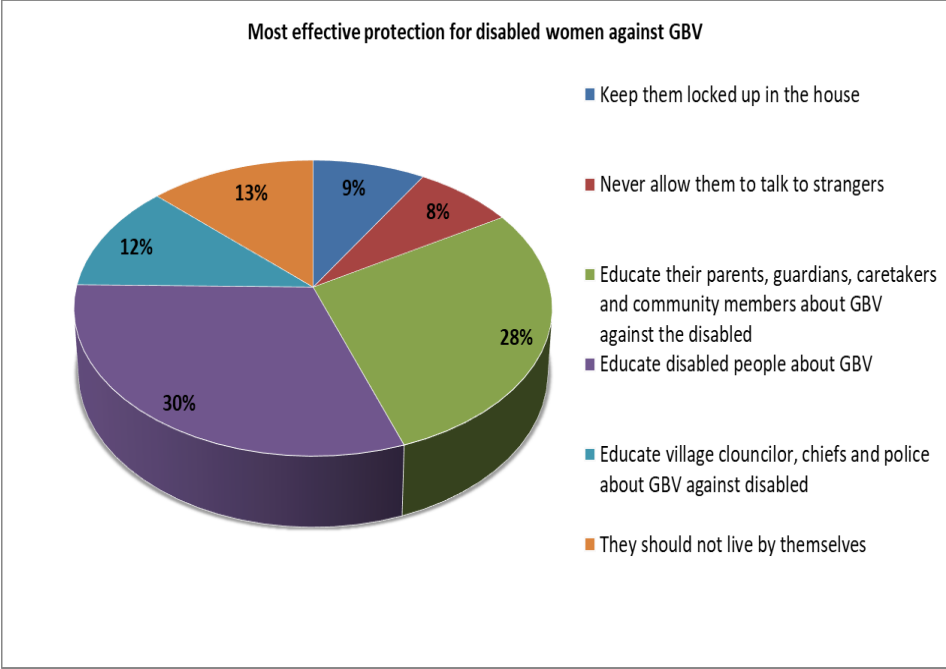


Figure 3 Most effective protection for disabled women against GBV

Livelihood

The participation of people with disabilities in economic activities at community level and beyond in the five councils under the study is generally outstandingly low. The main community development projects that take place at community level with the help of the village chiefs and the councilors include activities such as road construction, planting trees and controlling the valleys all of which are usually referred to as *fato fato*. These are usually funded by the Ministry of Forestry. These activities are said to target the entire community. However, there is no mandatory disaggregation of data for those engaged in the activities but where disaggregation is done, it is usually in accordance with gender and hardly disability. In most cases more men without disabilities, followed by women without disabilities are a priority followed by men with disabilities and then women with disabilities. This was corroborated by the information from the individual interviews where 38.9% of the interviewees were of the opinion that men with disabilities were more involved in economic activities as compared to 13.8% who believed that it was women. It is generally believed that these community development projects require physical strength hence the presumption is that those with disabilities are weak and therefore that they will not be able to perform. According to the respondents in the FGDs, the nature of disability, whether mental, physical, hearing and or visual often automatically disqualifies them as suitable employees under these projects. Moreover, there is no form of disability-based accommodation offered in this type of work which further prevents people with disabilities from being employed under these projects. However, in some councils it was discovered that where people with disabilities are considered, the arrangement is for a

relative to step in his or her shoes or any other person a person with disability may choose under the understanding that a person with disability will pay that person for having done the job on behalf of him or her.

Generally, persons with disabilities, whether male or female are mostly involved in non-formal jobs or domestic work. In addition to the general view that disabled employees are generally weak, this is because most of them did not attend school and have no academic, technical and vocational qualification whatsoever. An exception was seen in Hlotse Urban council where a woman with hearing and speech disability is employed as a deputy principal in one primary school. She stated vehemently that this was possible because she had a college qualification. She also mentioned that she is also an activist in disability rights movement and was once a chairperson of National Association of the Deaf Lesotho (NADL), an affiliate member of LNFOD. The situation is even more complicated for women with disabilities who over and above the need to maintain a livelihood are often also confronted with other roles as a result of their gender and sex. That is child bearing, domestic chores as well as the need to join the labour market to sustain a living. Most of these women are often single parents who have to fend for their children. One woman in a focus group discussion indicated that men with disabilities have all the time in the world to pursue economic activities as they are not engaged in family chores which often keep women busy all day, taking up most of their time for other activities.

Further, both individual interviews and FGDs further revealed other disability and gender specific factors that comparatively bar women from engaging in activities that would boost their livelihoods. One respondent with mental disability in a FGDs consisting of women with mental disabilities also indicated that as women with mental disabilities, their lives are often endangered as they often have to go around searching for means of survival. Those with mental disabilities depend mostly on hand-outs but generally women with disabilities in these councils do not have both formal and informal means of employment. One woman with physical disability who owned a shop in Thaba Mokhele community council seemed very empowered just because she participated in some form of income generating activity. She had self-esteem and participated effectively during the discussions. She mentioned that women with disabilities are very powerful and like any other women access to equal opportunities can result in economic success.

Men with disabilities are usually engaged as gardeners or herd-men while females do piece jobs like doing laundry and in most cases, they are paid with food not money. Underpayment or no payment of PWDs for services rendered is normalized and the victims hardly report. Further, although men with disabilities have been employed as domestic workers, women with disabilities are hardly employed as such. In a few instances where they are engaged, they are also exploited. One woman with mental disability stated that she was once employed as a domestic worker but it lasted only for a month because the employer refused to pay her. In Hlotse, the situation is a bit different.

Women with hearing and speech disability are engaged by the Craft Centre for knitting and sewing. Over and above the opportunity to make some income from the knitting and sewing, the women are also provided with shelter. However, the women were not happy with the money they make from the Center and the general living conditions yet it appears most of them come from very abusive families hence they have no option but to stay at the Centre. Therefore, exploitation, vulnerability and abuse are a common place and the situation is worsened by the fact that there is no disability law to challenge the disability-based discrimination that they encounter in the workplace and beyond.

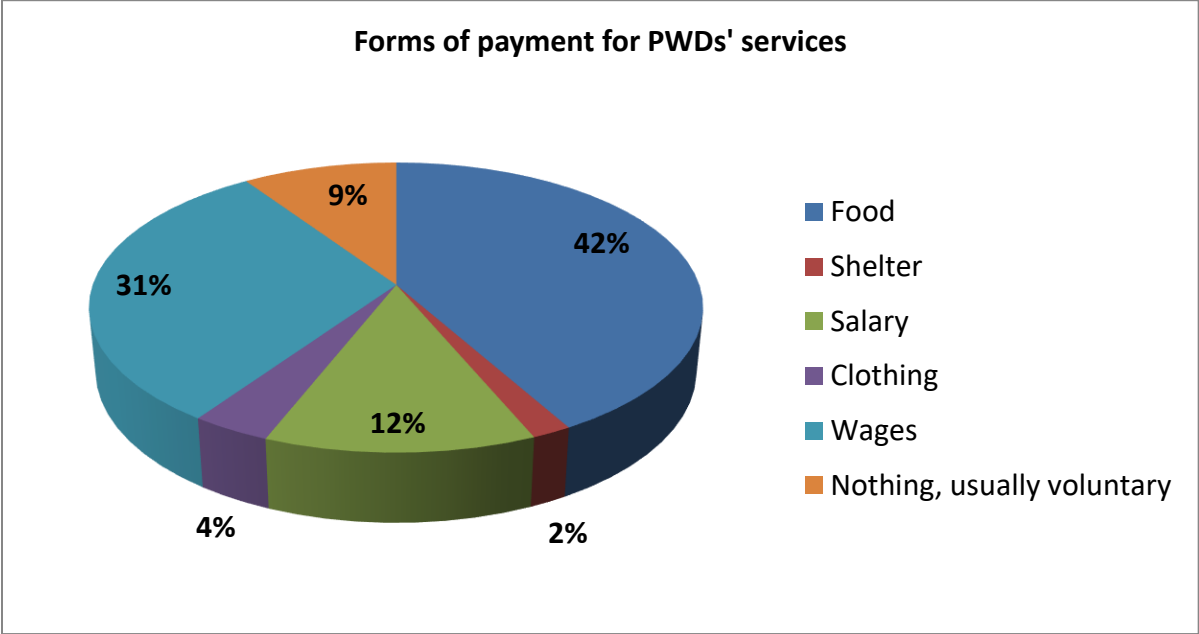


Figure 4 shows different forms of payment given to persons with disabilities for various services they provide.

There is always that believe in the villages that persons with disabilities should provide their services without pay. So, it was a fitting test that to assess what the respondents on individual interviews believed to be the ideal form of payment for persons with disabilities after offering some services. The outcome revealed that forty-two (42) percent of the respondents believe people with disabilities are paid with food. Thirty-one (31) percent are paid wages, twelve (12) percent are given salaries which adds up to forty- three (43) percent of people who acknowledge persons with disabilities should be paid in monetary terms in return for the services they provide. Nine (9) percent of the people think persons with disabilities should be volunteering the services they provide meaning they are not given anything in return. Four (4) percent of the respondents are of the opinion that services from persons with disabilities should be appreciated by giving them clothes and some two (2) percent think they should be provided with shelter in exchange for the service rendered. Overall, fifty-seven (57) percent of the respondents prove that people

in their communities continue to exploit persons with disabilities as they still do not pay them for the services they provide. This is somehow discriminatory and dehumanizing since persons with disabilities are denied dignity and integrity in that they are treated as like inferior beings who are not worthy of monetary payment like other workers or employees.

The majority expressed that although both disabled men and women are equally disadvantaged due to disability-based discrimination, men with disabilities were generally regarded better off when it comes to access and control over the resources. Unlike women with disabilities who are still prevented from inheriting property on the basis of gender, men with disability are still considered even if it is under the care and administration of someone. Further men with disabilities are able to move about seeking employment while for women with disabilities it is difficult to do so because of their vulnerability to abuse. Almost all persons with disabilities under the study area have never been in formal employment. Although most of them felt it was because they were unqualified to do so and that disability was a barrier, they also did not prefer to be employed but instead opted for self-employment. They insisted that there is high discrimination in formal employment adding further that they doubt they would be able to perform. Whereas they agreed that the employers generally discriminate against people with disabilities, they also equally viewed disability as a barrier to effective employment. As a result, they mentioned that they prefer being supported to start their own businesses. Some mentioned that LNFOD has supported individual persons with disabilities with financial resources to start and operate their own businesses in the past and this was only limited to a few councils. Some of the businesses were said to be functional while for others the businesses did not survive due to competition as they sold similar products in one location.

Moreover, Figure 5 below shows people's opinion on whether persons with disabilities should be given a loan. The individual interviews revealed that forty-three (43) respondents emphasized that between men and women with disabilities none qualifies for a loan, one hundred and twenty-nine (129) of the respondents believed that both men and women with disabilities qualify for loan, sixty (60) of the respondents stated that women with disabilities are the ones who qualify for a loan in comparison with the forty-four (44) respondents who said that men with disabilities qualify for a loan. The difference between those who suggest that men with disabilities and those who suggest females with disabilities should be given loans is not significant though it favours females more than males. This may be premised on the general believe that women are more reliable and tend to repay their loans better than male counterparts regardless of whether they have disability or not. This could also be attributed to the fact that comparatively women with disabilities are the ones who need to be boosted as compared to their male counterparts as they may be having limited access to financial resources or means to

secure a livelihood. On the other hand, some people believe that persons with disabilities generally must not get loan services because most of them are not working hence would not be able to pay back the loans. Further, a lot of people agreed that persons with disabilities like their non-disabled counterparts whether women or men must have access to loan facilities because they both have personal wants and needs that require money to be fulfilled.

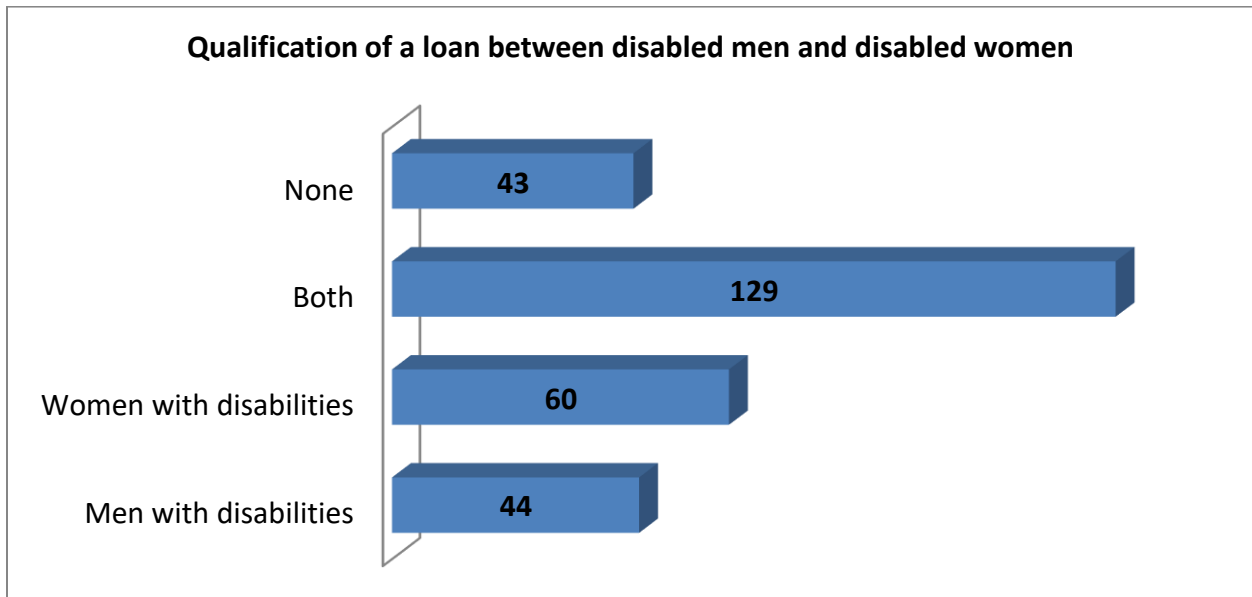


Figure 5 shows the respondents' ideas on the comparison between disabled men and disabled women based on loan qualifications

The Basotho Enterprise for Development Corporation (BEDCO) is a government of Lesotho parastatal which was established to grow domestic entrepreneurs specifically targeting micro, small and medium enterprises. The interventions offered include business training, business coaching, business advisory, business entrepreneurship and business counseling. Although the target is all Basotho they have specific projects that target women and youth since they have been identified as specific groups in need of assistance despite the fact that this has not gone further to integrate other factors like disability. Unfortunately, the corporation only disaggregates data in accordance with gender and age not disability. They do not have specific record of people with disabilities who have specifically benefited from their initiatives except in one instance where LNFOD requested for their services which resulted in disabled people being trained in business skills and even being funded to start their businesses. Disability is not institutionalized within the mandate of the corporation which means that the planning, design, implementation and even monitoring and evaluation is not done with disabled people in mind. They only work with them on demand. However, the respondent reassured us that the doors are open for a more sustainable working relationship with LNFOD as they have

previously worked under memorandum of understanding with other organizations before which has proved effective to ensure diversity and inclusion.

Access to Education

Various personnel from the educational institutions were interviewed and these comprised teachers from the two identified schools (primary and high school) in each council where the gender-sensitive inclusive education aspect will be implemented as well as the personnel in the special education unit under the study area. Most persons with disabilities interviewed under the study area have attended up to primary level of education. Mainstream schools under the study area are not accommodative of persons with disabilities whether mental, physical, hearing or visual disabilities. The Lesotho Inclusive Education Policy (LIEP) which Lesotho adopted in 2018 was established in order to ensure that all Learners with Special Education Needs (LSEN) participate in Lesotho school system that prepares them to function and live independently in the society and contribute positively in both social and economic development. It ensures protection of the right of children with disabilities to enrolment in regular or special schools. In relation to data, some of the participants indicated that they only disaggregated data by gender and not disability whilst others by both. However, according to one of the respondents, the MoET has school annual census report in which school managements are required on yearly basis to provide data of all learners including data for children with disabilities. It is possible however that some teachers are not aware of this disability disaggregation because their schools do not fill and submit the form back to the Ministry or they are just not fit to classify learners according to disability on their own. The problem is that this system gives the teachers the responsibility of screening the disability contrary to LIEP. This poses high likelihood of misdiagnosing children with disabilities since teachers are not trained on early identification of children with disabilities. Further, the problem with this data management system is that, it is published very late and only four types of disabilities are covered in exclusion of other disabilities falling outside the scope of the annual census. This is despite the fact that the Special Education Unit (SEU) was established in 1991 which was mandated among others to promote the LSEN into regular schools at all levels including through providing budgetary support for special education initiatives intended to improve diverse needs of LSEN. In the absence of a disability specific disaggregation that is well understood and implemented by all schools to facilitate comprehensive budgetary planning, the special educational needs of learners with disabilities remain excluded in regular schools.

There are generally no assistive devices to facilitate learning for learners with disabilities (LWD), no sign language interpreters and teachers have no specialized training on disability. This is over and above the fact that negative attitude towards disability is deeply entrenched in our society hence in some communities, parents or caregivers hide disabled children and do not take them to school whereas for those who are in school,

other learners without disabilities usually discriminate against them rendering the learning environment unbearable. The exception is seen in Hlotse Urban Council where there is a special school for the deaf, St. Paul School for the Deaf and two mainstream primary and secondary school known as Mount Royal Primary and Mount Royal High Schools that are regarded to be inclusive. These schools are only inclusive to the extent that they include learners with hearing and speech disability in that they have sign language interpreters to accommodate these learners. However, these schools are not necessarily inclusive of learners with other forms of disabilities. The fact that there is a special education school in this area has seen many learners with hearing disabilities in school progressing beyond primary school. One of the respondents who has hearing disability who grew up in this area is a deputy principal and teacher at Mount Royal Primary School. This gives a picture of the envisaged inclusivity in theory and practice and provides motivation for learners with disabilities that real equality is possible.

Furthermore, PWDs in the other four councils where there are no special education schools feel that they have no other alternative but to take their children to mainstream schools which they do not otherwise prefer due to the fact that they are not inclusive. They insist that their children are better suited in special education schools because they are conducive for their learning in that the teachers are trained and that they are unlikely to be discriminated against. They added that taking their children to other districts with special education schools is expensive and many were desperate pointing out that special education schools need to be established in all districts for easier access. Some parents also advanced these reasons as the basis for not taking their children with disabilities to school completely claiming that as a result some of these challenges there is hardly any academic progress noticeable in their children hence it is better if they stay at home. It was noted that there is a high dropout rate of learners with disabilities from schools and one of the reasons advanced for this is that the needs of learners with special education needs are not met.

Whereas the Education Act (EA) 2010 is very progressive by amongst others introducing free and compulsory including compulsory attendance. Section 6 (3) (c) however needs to be reviewed as it indirectly contributes towards poor enrolment of children with disabilities in schools by the parents and make it difficult to hold the parents, government, proprietors of schools and school boards accountable for failure to provide accommodations in schools or even to ensure availability of special schools that can meet the needs of learners with severe to profound disabilities. The Section provides that compulsory attendance does not apply to a learner with disability which prevents him or her from attending school. The Section is not only ambiguous but leads to absurdity. This is especially so in the light of Section 4 (2) (b) which compels all stakeholders in the education sector to promote the education of all by ensuring that as soon as the circumstances permit, a learner who is physically, mentally or otherwise handicapped is

given special treatment education and care required by his or her condition. In saying so, the Section fails to give effect to the CPWA section 11(3) which implies under the chapter 'education and health' that a child has a right to education regardless of the type or severity of the disability he or she has. In this regard, the LIEP should be implemented in such a way that it ensures the inclusion of children with disabilities in the school system whether regular or special in such a way that ensures non-rejection of these children in schools. Therefore, although LIEP in a way introduces a paradigm shift towards the integration of children with disabilities in regular schools it is worth mentioning that even where the school in question is the special education, attendance should be compulsory and should not be justified by the nature of disability. The LIEP has not been implemented by the Ministry to date due to lack of budget allocation for implementation.

Moreover, respondents in the FGDs were very clear that both male and female children with disabilities equally have the right to education and that there should be no discrimination in accordance with gender even where disability is concerned. The dropout rate among boys with disabilities is generally reported to be higher than that of girls with disabilities. One key informant indicated that according to their statistics there are more girls with disabilities than boys with disabilities thereby confirming this information. Respondents indicated that this was because boys usually herd the animals in line with their traditional gender role and somehow it seems education is regarded as feminine. One woman in the FGDs indicated that boys are usually under the strict supervision of their fathers who significantly value livestock perhaps because it signifies family wealth which usually revolves around the male line of inheritance. In other instances, boys drop-out of school in order to enter the labour market in order to acclimatize to the male gender role of a bread winner. On the other hand, girls are usually under the guidance of their mothers who usually regard education as the only means of survival for the girl child who would later on be married into another family to safeguard her against poverty. The individual interviews (Figure 6) also reveal that a majority of individuals are of the view that the drop-out rate among boys with disabilities is highest at 65% compared with girls with disabilities at 35%. Gender is not limited to girls and women, but equally concerns boys and men hence although our societies are mainly of a patriarchal structure, situations of male discrimination must be given equal attention for true equality to be achieved (GIZ, 2014).

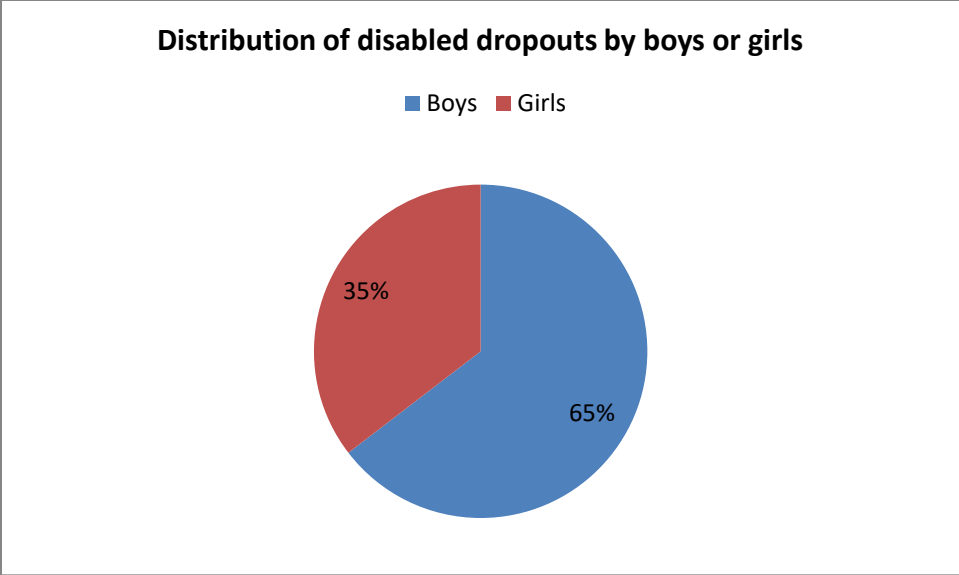


Figure 6 Distribution of drop-outs from school between boys and girls with disabilities

However, it appears that a girl child with disability remains vulnerable to sexual abuse in that she is neither safe at home nor at school in that at home special protection by family members all day may be impossible as family members may be going to work while at school, due to the terrain in Lesotho she is likely to travel long distances to and from school thereby becoming exposed to violence and abuse. According to Gender Links (2014) 86% of women experienced some form of violence against women at least once in their lifetime, including partner and non-partner violence. Yet it is generally estimated that the statistics is much higher for women and girls with disabilities who are said to endure violence, abuse and exploitation twice as often as non-disabled women and suffer more serious injuries as a result of violence (Handicap International, 2015). GBV is a cross-cutting issue that always arises in every developmental issue whether education or livelihoods and such it needs to be uprooted in order for to enable equal enjoyment of rights. In fact, one of the greatest challenges expressed by the respondents was that there is no boarding within mainstream schools yet these would greatly benefit their children who walk long distances to school thereby being exposed to violence and exploitation. Further, the reason advanced for the high dropout rate for girls with disabilities is unplanned pregnancies. Other health factors such as lack of adequate sanitary wear for girls with disabilities who have reached puberty also greatly affect their attendance coupled with feelings of inferiority that comes with gender and disability. Beyond the disability related barriers that learners with disabilities are confronted with, there are deeply rooted societal norms and attitudes as a result of gender that cannot be ignored.

Unfortunately, LIEP hardly alludes to the interconnectedness of gender and disability in the education sector yet if not properly dealt with, the gaps and inequalities between men and women with disabilities will keep surfacing and spreading to other arenas such as the economic and political spheres as is the trend with the non-disabled men and women. For instance, although it appears that the number of girls with disabilities is higher than that of their male counterparts, studies show that women with disabilities have limited access to economic opportunities as out of 43,803 of disabled population aged 10 years and above 26,439 are housewives (The Population Housing Census, 2016). The fact that LIEP does not mention the gender-related barriers facing boys and girls with disabilities leaves boys with disabilities behind and with time girls with disabilities farthest behind as they are likely to feel the greatest burden in the long run. Most teachers referred to comprehensive sexuality education (CSE) that has been included in the primary and high school curricular as adequately incorporating aspects of gender. However, they explained that they have not been adequately trained on gender despite the fact that CSE is already implemented in schools. Unfortunately, the entire curricular hardly touches on disability rights thereby further widening the inequalities between the disabled and the non-disabled in life skills. This greatly disempowers learners with disabilities especially in the area of reproductive health rights by failing to address the relationship between gender and disability.

The data collected further indicates that most people within the education sector other than the personnel engaged in the Special Education Unit (SEU) under the Ministry of Education and Training (MoET) are not aware of the LIEP which Lesotho adopted in 2018 nor what it provides for. These people included PWDs some of which were caregivers of PWDs, teachers and chiefs and councilors. This has meant that they have not been able to take active steps towards the inclusion of learners with disabilities in mainstream schools including working together to ensure that children with disabilities do attend school like other children. Community leaders such as chiefs and councilors play a critical role at community level towards ensuring that children with disabilities are equally in school. They are highly trusted by the community and they are usually the gatekeepers. Although they stated that they have never received any training on disability and gender, empowering them around these issues means they would know how to address the injustices that ensue at community level. they would also be in the position to educate their subjects about these issues on various platforms.

Organizational Capacity Assessment

In respect to organizational capacity assessment, the document analyzed the extent to which the DPOs as well as gender and women's rights organizations adopt a disability and gender approach in their work. This was done through looking at these entities'

reflection on disability within gender and on gender within disability. The DPOs that were interviewed are LNFOD, Intellectual Disability of Lesotho (IDAL), Lesotho National League of the Visually Impaired Persons (LNLVIP), National Association of the Deaf Lesotho (NADL) and Lesotho National Association of the Physically Disabled (LNAPD). The gender and women's rights organizations that were interviewed include; Women and Law in Southern Africa Research and Education Trust (WLSA), the Federation of Women Lawyers (FIDA) and Gender Links (GL) and the government Ministry of Gender Youth Sports and Recreation (MGYSR) as well as international organizations through the United Nations Population Fund (UNFPA).

Disabled Peoples Organizations (DPOs)

LNFOD is an umbrella organization affiliated to IDAL, LNLVIP, NADL and LNAPD. It was established in 1989 to advocate for the rights of persons with disabilities in Lesotho in particular through advocating for the domestication and implementation of the CRPD at the national level. As an umbrella body LNFOD has a much higher responsibility to lead by example not only through adopting comprehensive laws and policies but also implementing them on the ground. On behalf of LNFOD the chairperson of the executive committee of the organization, LNFOD head of the secretariat the Executive Director and one staff member were interviewed to assess the capacity of the organization in relation to promoting gender equality not only within the organizational structure as reflected by the underlying laws and policies or strategies but also the organizational practice. The respondents in the four DPOs were mainly the leadership of the DPOs.

The information from the respondents revealed that there are five fundamental instruments that are used to run the organization and these are; the Constitution,³⁶ LNFOD's Organizational Strategy³⁷ Human Resources Policy,³⁸ Finance Policy³⁹ and the Gender Policy.⁴⁰ Of these instruments the Gender Policy is the most comprehensive ever adopted by the organization when it comes to promoting equal participation between men and women with disabilities within the organization and the overall work of the organization, including that of its member organizations. The newly adopted organizational strategy does take into account the fact that women and girls with disabilities encounter double discrimination as a result of gender and disability which limits their equal participation in economic activities among others and disproportionately subjects them to gender-based violence. Unfortunately, since its adoption in 2015, the Gender Policy has never been implemented by the organization in all material respects. In its goal, LNFOD commits to strive to incorporate gender sensitivity into its policies and

³⁶ 2017 Instrument

³⁷ 2020-2024 instrument

³⁸ 2010 Instrument

³⁹ 2015 Instrument

⁴⁰ 2015 Instrument

programs at the organizational level as well as with individual member organizations. It is worth mentioning that amongst others in order to render the organization gender responsive, the policy urges LNFOD's benefits policy to be equitable and responsive to the need to balance work, family, civic life, and the different gender roles of staff (e.g. responsibilities of pregnancy, childrearing and family care). The Human Resources Policy is very responsive in this regard because it does not only provide for paid maternity leave of 60 days before confinement but also that this can further be increased to 30 days on half pay at the discretion of the Executive Committee. This is over and above making provision for a female employee not to resume work before 6 weeks after the birth of her child. It further provides for one nursing hour paid time off per day for 6 months immediately after confinement. Most importantly, it is guaranteed under the Policy that an employee who goes on maternity leave in accordance with the Policy will be entitled to continued employment by the organisations at the end of the maternity leave period.

Moreover, in order to further assist women who are usually disproportionately affected by family responsibilities, the Human Resource Manual further recognizes that employees may undertake responsibilities of about 20 days in a year in respect of their dependent children and other members of their immediate family who need their care and support. This is because the responsibilities may restrict their possibilities of attending, participating or advancing any work activity. Although the practice amongst the staff members at LNFOD is to informally request the time off from work without necessarily following leave procedures, this is usually informally granted. However, respondent interviewed indicated that this hardly exceeds 20 days in a year. Moreover, for male employees' absenteeism in relation to family responsibilities is comparatively lower. The Human Resource Policy does not expressly provide for paternity leave and this does not only disproportionately affect male workers but it further feminizes reproduction making it the sole responsibility of the mother. However, in practice this may be informally granted but there is need for formality to ensure clarity and consistency. The aforementioned legal protection must however be commended as it is very lucrative and with adequate implementation does promote non-discrimination and equal participation irrespective of sex and gender.⁴¹

Further, one of the reasons advanced for failure to implement the Gender Policy is lack of funding. Any specific activity on gender is implemented only when there is funding and once the funding ceases, gender is also dispensed with. That is gender is not mainstreamed within the organizational mandate. Gender is only considered in relation to data disaggregation; that is, whether one is male or female which is said to be

⁴¹ The Labour Code Order 1992 of Lesotho provides for twelve weeks maternity leave, six days before and six weeks after confinement and it does not place any responsibility on the employer to provide for paid maternity leave. Further it does not sufficiently address the issue of workers with family responsibilities nor provide for proper regulation of family responsibilities leave as is the case with other leaves provided for under the Order.

necessary during the planning and the reporting as some donors demand to know how many females or males with disabilities will be reached and or benefit by and from the programs. Other challenges emanating from gender are not looked into yet these would otherwise inform the gender-responsive indicators and measures to be adopted by the organization during the planning, design, implementation and monitoring and evaluation to promote gender equality and inclusive development.

The director shared that for years, the organizational monitoring and evaluation processes indicated that women with disabilities, including those without disabilities in comparison with their male counterparts, are generally the ones who tend to attend most of LNFOD's activities. This suggests the feminization of disability. Generally, not only are there more women with disabilities than men with disabilities as is the case in Lesotho⁴² but women are also disproportionately concentrated as caregivers of family members with disabilities. In fact, even amongst the DPOs, generally a majority are women especially within IDAL. Furthermore, men with disabilities are more commonly cared for by their wives yet it appears that women with disabilities are more likely to be on their own or divorced when they have disability. The concept of gender mainstreaming is not understood within the organization as the underlying misconception seems to be that there must be a separate or specific project on women empowerment separately from the ongoing disability projects implemented by the organization.

"...The agenda-setting approach to mainstreaming seeks to transform the development agenda itself whilst prioritising gender concerns. The more politically acceptable integrationist approach brings women's and gender concerns into all of the existing policies and programmes, focusing on adapting institutional procedures to achieve this. In both cases, political as well as technical skills are essential to a mainstreaming strategy (Reeves and Baden, 2000)."

As far as the gender representation within the organization is concerned there are four women employed by the organization and four men. There are two male employees with disabilities and one female employee with disability. Although *prima facie* it appears that there is gender equality, this is only limited to numbers. The male employees in the organization hold senior positions and they essentially constitute the management leading the organization and therefore the most paid. According to one of the respondents, part of the justification the managerial positions and the higher payment was that unlike the women they have been serving the organization for the longest time. They hold positions of Executive Director, Finance Manager and the Projects Coordinator respectively. One other male employee is engaged as an Assistant Officer and he is not

⁴² Bureau of Statistics 2018, Lesotho Population and Housing Census Analytical Report, Volume IIIA Population Dynamics

in the management. The women hold the positions of the Human Rights and Advocacy Officer, Gender Officer (who was engaged this year), Inclusive Education Officer and an Accountant Officer. Unfortunately, as observed by the African Development Bank (2005), in most cases the relatively higher female educational attainment in Lesotho has not automatically translated into higher income for women because of cultural and social norms that prevent them from having access and control to productive resources have led to an implicit “glass ceiling”.

According to the respondents, during the initial stages of the projects implemented by the organization, women’s views are considered however during the budgeting the overall budget breakdown rests solely with the management. Other officers are mainly more active in the implementation stages as well as the reporting stages of the activities implemented. Although the Executive Committee is highly involved in the running of the organization, according to the chairperson, compared to their male counterparts in the organization, female’s voice is still suppressed. Within the Committee, this coupled with lack of empowerment on gender issues has silenced issues concerning gender equality and this is worsened by the fact that gender is often interpreted as synonymous to women. It is not enough to merely include women whether within LNFOD secretariat or its Executive Committee if the deeply rooted societal norms that promote male dominance reinforcing patriarchal notions and perceptions embedded in the system remain unchallenged. There are currently twelve members of the Executive Committee⁴³ and five of them are women, and two of them hold strategic positions of the chairperson and secretary general. The other three members hold the positions of the gender, women and the underrepresented groups. The mandate of these three subsequent women as stated by the Constitution, is to perform any other duty assigned by the Executive Committee.

According to one of the respondents, these members hardly have the expertise and the volition to advocate for the groups they represent. As a result, issues concerning minority groups within the organization are not institutionalized but are merely treated as the ‘other’ to the point that they merely exist on paper but are not included in practice. The director indicated that at one stage the member of underrepresented groups used to attend gender related workshops conducted by various stakeholders. Apparently, the skills she acquired never benefited the organization because they were almost never applied. Due to the lack of reporting, accountability or any follow-up by the committee or LNFOD, her skills were neither used within the organization nor with the committee. This was worsened by the fact that within LNFOD there was no gender officer in charge of overseeing gender-related activities, a situation which has been remedied by the gender and disability rights project through the hiring of a gender officer.

⁴³ The chairperson, two vice co-chairpersons, the secretary general, the treasurer, publicity secretary, the vice publicity secretary and four members.

It is not enough to merely have representatives on paper if they do not bring about the desired change. Whereas the Women in Development (WID) approach sought to address women's practical needs by, for example, creating employment and income-generating opportunities, improving access to credit and to education, the Gender and Development (GAD) approach focuses primarily on the gender division of labour and gender roles. Gender is seen as a relation of power embedded in institutions hence it generally aims to meet both women's practical gender needs and more strategic gender needs by challenging existing divisions of labour or power relations (Reeves and Baden, 2000). There is a need to move away from the WID approach, which many are still clinging so tightly to as it merely seeks to integrate women into the development process by targeting them as passive beneficiaries of programming, a move which hardly translates into real empowerment. Instead, we need to adopt the GAD approach as it emphasizes the fundamental social nature of gender differences and introduces the concept of gender mainstreaming as a key strategy for analyzing the relationship between women and men both within the public as well as the private spheres.⁴⁴ This explains one of the reasons why it is critical to undertake a gender analysis for the design of the project that is intended to mainstream gender.

“GAD identifies gender-based divisions in productive and reproductive work, and gender differences in access to and control over income and resources. It then considers the implications of these divisions and differences for project design. In other words, it aims to highlight the key differences between the incentives and constraints under which men and women work; the insights gained from this analysis are then used for tailoring planned interventions (credit, education, training, etc.) in such a way as to improve overall productivity.”

The lack of gender mainstreaming in these organisations has led to limited collaborations with other gender and women's rights institutions. The only time LNFOD and its affiliates partnered with these institutions was if they invited them to make a presentation in their activities dedicated to empower women with disabilities on gender equality or where the DPOs are invited by these institutions to make presentations in relation to disability. In effect, persons with disabilities remain the exclusive mandate to the DPOs while gender is dedicated to a faculty in the other institutions. To date, the link between the two has not been addressed. There is a lack of adequate networking and partnerships which would ensure sufficient integration of gender issues within the mandate of the DPOs. The concerted efforts would facilitate the smooth integration or mainstreaming of gender within the DPOs not only within the organizational structure but also beyond. The fact that gender equality and gender mainstreaming have not been prioritized within LNFOD as the umbrella organization of the aforementioned DPOs has not set a very good example for its affiliate DPOs. Although women with disabilities are generally very active within the

⁴⁴ Lesotho GADP 2018-2030

DPOs which they serve, almost all of them lack training on gender and even though most of them hold leadership positions as is the case within IDAL, LNAPD, NADL and LNLVIP. It appears that it is mostly because there are generally more women with disabilities within these organizations than men.

However, the only exception is seen with LNAPD where there are more men than women and, in the past, this DPO has mainly been led by men. Currently women constitute a majority in the leadership of this organization. In LNLVIP there is equal representation of men and women serving the organization as in accordance with the constitution and the gender policy. LNLVIP has been very intentional towards empowering women and promoting gender equality and in ensuring that women have access to leadership positions. They hold several sensitization workshops from time to time to empower women with visual disability and often invite gender equality experts to empower their members as they feel that despite women holding senior positions in the organization, men are seemingly more empowered as they still assume the male traits of leadership in accordance with their socially ascribed gender roles. As a result, it was stated that they are more assertive than the women who in most cases still adhere to societal stereotypes of inferiority. Unlike in the other three DPOs, the leadership of LNLVIP is aware of the fact that women holding senior positions is not enough to bring about change. However, there is a need to go further to challenge the deeply rooted societal norms that limit women to achieve their full potential in the workplace. This should go beyond capacity building, skills development and mentorship. Women hold senior positions within these DPOs and they are the most paid when there is funding. The lack of institutionalization of gender within LNFOD has generally resulted in poor support for these DPOs who are seemingly eager to mainstream gender and to empower women and girls with disabilities. Whereas there is a common misconception that gender can only be adequately mainstreamed under female leadership, LNFOD can contribute significantly in rebutting this false premise. This is also possible under the leadership of a male executive director who can lead by example to show that gender equality is not a women's rights issue but a human's rights issue which must be upheld by every human rights defender.

Moreover, the DPOs have their own laws, policies and regulations which provide for equal representation of men and women with disabilities. NADL and LNLVIP have Gender Policies providing for equal participation of men and women with disabilities. whereas IDAL and LNAPD have not. There is a need to promote the adoption as well as the strengthening of the existing policies within these organizations. A gender policy sets a comprehensive framework for institutionalizing gender equality and gender mainstreaming at the organizational level and in practice. As previous studies have shown and as corroborated by the chairperson during her interview, the greatest challenge facing the DPOs is finding suitably qualified personnel with disabilities who can be engaged within these organizations. This is because comparatively PWDs have mostly not been

able to obtain higher qualifications due to challenges they face in education as a result of disability. As a result, most of the personnel within the DPOs lack the necessary educational background and the skills to run the organizations and are merely employed just because they have a disability. This is a huge drawback which hinders progress because the PWDs in these DPOs could otherwise work together with the non-disabled where applicable in addition, there is still a need to promote and maintain inclusivity by allowing the disabled to work together with the non-disabled. A lot can be learnt from LNFOD as conversely, it has been able to employ both the non-disabled and the disabled who work together through their different skills to contribute towards promoting an equal and inclusive Basotho society. An example can also be taken from LNLVIP which has hired a non-disabled accountant. With the exception of LNFOD and LNLVIP, the other three DPOs do not have a resource mobilization plan that is costed and approved by the board. As a result, these organizations depend heavily on LNFOD for survival, with the exception of LNLVIP which is more stable and independent when it comes to securing funding and implementing activities.

Women's Rights Organizations

The respondents representing the gender and women's rights institutions were interviewed as the key informants in order to determine the extent to which these institutions systematically address the intersection of gender and disability in their overall mandate, policies and/or strategies. The gathered information indicated that the dedication of the institutions to the achievement of gender equality and women empowerment. Working in collaboration with the Department of Gender the Civil Society (CSOs), these institutions have advocated for equity and equality between men and women to promote equal socio-economic and political advancement. In order to successfully carry out this mandate, UNFPA has supported the Department of Gender to effectively deal with issues of GBV as well as Sexual and Reproductive Health Rights (SRHR). A common similarity in all these institutions is that they target women as primary beneficiaries in their programmes and data is disaggregated only by gender and age. Other intersecting grounds such as disability are not considered, neither at the planning and design nor the implementation, monitoring or evaluation. However, during reporting disability is only considered if women and girls with disabilities incidentally benefited. As put by Commonwealth (2017),

“The intersectionality approach to gender mainstreaming ensures that varied interests of each gender form the basis of interventions and services thereby ensuring greater inclusivity and larger reach than if these interventions and services were solely based on rigid categories of men and women.”

As a result, the emphasis has been put on women as a homogeneous group. Whether women with disabilities were met through the programs depended on mere chance.

Gender mainstreaming recognizes that neither women nor men should be treated as a homogeneous group (Commonwealth, 2017). The respondent from WLSA indicated that;

“Organizations working with DPOs need to come forward and show us the gaps. We are treating these women as an umbrella being, hence it is only when we are cautious of their specific needs that we can be open minded on how best to include them.”

If women and girls with disabilities did not participate in the programs, life continued as usual. According to the key personnel from Gender Links, the organization has established an Alliance Network that is made up of various institutions that promote gender mainstreaming and the Alliance was set up to track progress on how these institutions are mainstreaming gender. Unfortunately, the DPOs are not represented in this Alliance. Moreover, under the department of Gender, there is a forum called the Gender Technical Committee (GTC) which was established to provide guidance on issues of gender to facilitate gender mainstreaming at ministerial level and it comprises all Ministries and the CSOs. There is also a GBV Coordinating Forum which was formed this year through the department and it comprises the line ministries such as Ministry of Justice Police, Gender and the CSOs. The forum was established with the view to combat GBV. Based on the DPOs interviews, LNFOD initially had a representation to the GTC Forum, which is no longer the case. The representative stopped attending and due to the lack of interest and understanding of gender issues within LNFOD, and lack of interest and understanding of disability within the leadership of the forum, there was no follow up. Hence there is still no DPO representation to date. The GBV coordinating forum was formed this year but DPOs are still not included within the CSOs constituting this forum. As stated by the respondent from Gender Links, the inclusion of DPOs is not deliberate but merely happens by default in the activities of Gender Links. According to the respondents, both DPOs and the women’s rights organizations are in agreement with this view since both sides indicated that they only work with each other upon invitation only during the implementation stages of the activities and nothing more. The gender and women’s rights institutions respondents indicated that they have never attended any training on disability rights which means they do not have a deeper understanding of disability within the scope of the CRPD. As a result, they have never implemented any activity that seeks to address gender and disability since they have never thought it was necessary to specifically single out disability. It is worth mentioning that through these interviews, the participants became aware of inclusion gaps that were laid bare by the questions.

Further, the respondents also noted that despite the double discrimination women and girls with disabilities are confronted with, they have not been able to adopt inclusive programming and interventions. One example is the Nokaneng application which is a digital GBV application used to raise awareness towards GBV especially for women. This application provides them with education and offers GBV support from the experts who

answer any GBV related question to provide accurate information in relation to GBV. This initiative by the MGYSR through the Department of Gender in collaboration with Gender Links and other partners is not disability-inclusive. This is not surprising because DPOs were not consulted at the initial stages of the application's development. As a result, the experiences of women and girls with disabilities have not been adequately incorporated through the application. Consequently, the department has hardly empowered women and girls with disabilities through the social, economic and political empowerment divisions that have long been operational.

The MGYSR has adopted the Gender and Development Policy (GADP) 2018-2030 with the view to promote gender mainstreaming throughout the developmental processes in the country. Amongst others the GADP provides for the consideration of disability status as one of the discriminatory grounds to be considered, highlighting the fact that disabled people fall among the vulnerable groups of the society. Interestingly, in addressing GBV, the GADP does highlight the fact that women with disabilities are mostly affected and violence is a major cause of disability among women and girls as a result of injuries. Finally, the policy does acknowledge that the stigmatization of PWDs, especially women and girls with disabilities falls among some of the critical issues to be taken into account. However, the Policy fails to further consider the double discrimination that women with disabilities face in the economic and political arenas. This means it fails to ensure that they are not only protected but they are also empowered to access resources and to participate in decision-making processes. Capacitating the ministry about disability and disability mainstreaming is crucial because although the policy refers to disability there is a need to ensure that the intersection between gender and disability is highlighted and prioritized when it is implemented. It is too often the case that issues of disability are considered under minority groups, thereby failing to tackle its gender aspects.

Other interviewed organizations do not have a specific statement or policy on disability inclusion except for Gender Links. The policy advocates among others quotas to enable PWDs to participate in various spheres of life but this has only remained on paper without implementation. According to the UNFPA respondent, the United Nations has a policy to ensure that they reach the farthest behind and that this includes women and girls with disabilities. However, UNFPA has admitted that it has not been doing enough to ensure that it supports the initiatives that address the situation of PWDs as far as gender equality is concerned. Most importantly, it has lacked to address the multiple oppressions faced by women and girls with disabilities whether under GBV or under SRHR. She further stated that as an international organization that is concerned about issues of population and demography, the fact that PWDs account for the Lesotho population means that they should equally be included at every stage of the project cycle. This is over and above the fact that disaggregation by disability is highly demanded by UNFPA donors. Unfortunately, in practice the gender activities that UNFPA funds the Ministry of Gender

with hardly take account of disability. However, UNFPA was a co-funder of the National Disability Situational Analysis Study (Ministry of Social Development, 2019) which unpacked the situation of PWDs in areas such as education, employment, GBV and health.

Moreover, there appears to be a lack of collaboration between the Ministry of Social Development and other Ministries like MGYSR yet coordination and collaboration would go a long way to ensure a more sustainable inclusion of PWDs at all levels through integrating gender and disability mainstreaming. Where there is a lack of collaboration between these critical ministries in the promotion of the rights of PWDs, there is also a huge possibility of negative effects on women and girls due to the double discrimination that they face on the basis of gender and disability. The Ministry of Social Development plays a key role in overseeing the disability mainstreaming in development, whereas the MGYSR plays a fundamental role in ensuring gender mainstreaming in developmental processes. In 2015, the Ministry of Social Development adopted the National Disability Mainstreaming Plan which ideally presents a paradigm shift from treating disability as a charity issue towards a development issue. This must be mainstreamed by all ministries to ensure the inclusion of PWDs at all levels of development. One of the greatest weaknesses of the National Disability Mainstreaming Plan is that it has missed to adequately address the link between gender and disability. Therefore, it has failed to adequately promote gender equality between and among women and men, girls and boys with disabilities within this disability mainstreaming framework. Although the Plan slightly alludes to the fact that women and girls with disabilities are comparatively more vulnerable to abuse, this gender-based disproportionality is not addressed within the priorities of the Plan. A brief overview of MGYSR under the Plan further indicates that despite the fact that LNFOD has maintained a somewhat a close communication with the ministry, there is no disability mainstreaming within the ministry. Except classifying disability under minority groups prone to discrimination and GBV, there has nothing been done. This could have easily been avoided if the ministries were not working in silos. The failure to embrace the heterogeneous nature of disability means that there is a high risk of leaving behind gender issues in the implementation phase of the Plan. Women and girls with disabilities are hit the hardest, as they would be excluded from the programming of both ministries.

Moreover, WLSA respondents indicated that when it comes to GBV against women and girls with mental disabilities, the organization is very intentional towards ensuring their full protection, since most of them lack capacity before the law and are usually taken advantage of. WLSA is also actively involved in cases concerning inheritance or property of PWDs especially those with mental disabilities. They work through liaising with the office of the Master of the High Court to guard against property grabbing. It is important to guarantee the protection of women and girls with mental disabilities, since in this

context, they are clearly more vulnerable than women and girls with other forms of disabilities. Nonetheless, it is equally important to balance this through empowerment instead of just seeing them as powerless victims in need of protection and in lack of agency. Therefore, they should equally be included in the empowerment initiatives of the organization, not only where there is a violation. Further, in relation to legal aid services, WLSA respondents stated that disability is one of the issues taken into account over and above age and gender in litigation. This is because issues such as competency for those with mental disability accessibility for those with physical disability and communication for those with hearing or speech disability becomes a problem due to lack of accommodations in the justice system. They therefore take disability into account in order to ensure provision of accommodations where necessary.

Recommendations

The following recommendations are made in relation to the findings drawn from the analysis of GBV, Livelihoods, Access to Education and the Organizational Capacities assessment above.

Findings	Recommendations
Gender Based Violence (GBV)	
<p>Women and girls with disabilities are disproportionately affected by GBV due to the increased vulnerability on the basis of gender and disability which makes them an easy target.</p> <ul style="list-style-type: none"> • Sexual abuse against women and girls with mental disability is the most prevalent type of GBV. 	<p>The Ministry of Gender, Social Development and Police in collaboration with DPOs and women’s rights organizations to raise awareness on GBV against women and girls with disabilities to promote GBV prevention, reporting as well as prosecution of cases involving women and girls with disabilities in the justice system.</p> <ul style="list-style-type: none"> • The Ministry of Gender, Social Development and Police in collaboration with DPOs and women’s rights organizations to empower women and girls with disabilities on SRHR through training workshops, media and public gatherings to promote responsible behavior and informed decision making as well as to encourage

<ul style="list-style-type: none"> • The CGPU attends many cases of women and girls with disabilities as compared to men and boys with disabilities yet the office does not formally disaggregate data according to disability. The office has not been capacitated on gender and disability hence they believe disaggregation by gender is sufficient. • The CGPU unit under the study area is not aware of the landmark decision in the case of Koali Moshoeshe and Others V DPP and others which outlaws Section 219 of the Criminal Procedure and Evidence Act 1981 to the effect that persons with mental disabilities can testify as witnesses in court and this has led to under-prosecution of cases involving persons with mental disabilities who are mostly women. • The reporting and prosecution of cases involving PWDs is highly dependent on the chiefs, councilors and the community yet they do not appreciate GBV in the context of disability. 	<p>reporting of GBV cases to the authorities.</p> <ul style="list-style-type: none"> • LNFOD to lobby the Ministry of Police to revise their data collection tool to include disaggregation by disability and the Ministry of Gender in collaboration with CSOs to sensitize the office of the CGPU under the project area on the link between gender and disability and the value of disaggregating data in accordance with disability to promote access to justice for PWDs. • LNFOD to popularize the landmark decision in the case of Koali Moshoeshe and Others V DPP and Others within the CGPU unit under the project area through sensitization meetings and media to facilitate the prosecution of cases involving persons with mental disabilities in the courts of law through the use of accommodations. • The Ministry of Gender, Social Development and Police in collaboration with DPOs and women's rights organizations to sensitize the community including the chiefs and councilors on gender and disability and on GBV through training workshops to promote prevention of GBV at community level and to promote the reporting of cases to the necessary authorities for justice to be obtained.
---	--

<ul style="list-style-type: none"> • There is no formalized working relationship between LNFOD, its DPOs and office of CGPU which would among others enable the CGPU to engage the services of the DPOs where necessary (e.g sign language interpreters) whenever there is a case involving PWDs since disability and the accommodations are not institutionalized within the unit. • The Sexual Offences Act 2003 does protect PWDs against sexual abuse, however it is more inclined towards the medical model of disability which views impairments as disability and also fails to embrace their SRHR but instead regards them as asexual. • There is no GBV law in the country and the police rely on the Sexual offences Act 2003 instead to address GBV including in cases involving persons with disabilities and although there is GBV Bill, there is need to ensure that it is disability inclusive 	<ul style="list-style-type: none"> • LNFOD to lobby the Ministry of Police and facilitate the development of a memorandum of understanding between to enable collaboration between LNFOD and the Ministry especially through the CGPU units under the project area in GBV cases to encourage formalized data disaggregation by disability and the prosecution of cases. This would also help the CGPU in the enforcement of the Sexual Offences Act 2003 in determining whether a sexual act involving a PWD was consensual or not. • LNFOD to approach the Law Reform to propose the amendment of the wording used in the Act to ensure that that the Act is disability inclusive by recognizing the use of accommodations and further recognizing PWDs as rights holders with sexual agency • LNFOD to collaborate with the Ministry of Gender and other Women’s Rights NGOs to advocate for the enactment of disability inclusive GBV law.
--	--

Livelihoods

<p>The participation of PWDs in income generating activities is generally low but comparatively women and girls with disabilities tend to have limited access to economic resources than their male counterparts.</p>	<p>LNFOD to facilitate the participation of women and girls with disabilities under the project area by supporting them with resources to start and manage their own businesses to bridge the economic inequality gap.</p>
--	---

<ul style="list-style-type: none"> • PWDs are generally not included in economic empowerment initiatives of other stakeholders like the Basotho Enterprise for Development Corporation (BEDCO). BEDCO does not disaggregate data by disability but only by gender and age hence it has specific programs that target women and youth but not disability. • Poverty disproportionately affects women and girls with disabilities since over and above disability related barriers they carry an additional burden as a result of their gender and sex roles hence most of them are single mothers who have to care and provide for their children and this affects their equal opportunities in life. 	<ul style="list-style-type: none"> • LNFOD to facilitate the development of a memorandum of understanding with BEDCO to ensure that a certain number of women with disabilities benefit from the women only programs and that a certain number of PWDs benefit from programs generally benefiting the youth and the nation at large. • BEDCO revise its economic empowerment policies and plans to specifically target a specified quota of men and women with disabilities as well as making clear disability indicators in its monitoring & evaluation systems in order to reflect whether people with disabilities equally benefit from its programs • The Ministry of Gender, Social Development and Police in collaboration with DPOs and women's rights organizations to empower women and girls in the programme area through media and public gatherings on SRHR especially through promoting the right to education on contraception and the right to exercise informed decisions in relation to contraception and reproduction. • LNFOD to lobby other public or private stakeholders, including those close to the program area on economic development and women empowerment to consider initiating economic empowerment programs for women to widen the coverage for empowered women and girls with disabilities.
--	--

Access to Education

Boys and girls with disabilities drop out of school at some point due to gender related challenges. Boys drop in earlier primary to look after animals while girls drop out later on at puberty as a result of child marriages, early and unplanned pregnancy or loss of self-esteem.

- The primary and high schools under the study area are mainly mainstream schools that are not inclusive of PWDs hence PWDs in these areas either drop out, are in mainstream schools that do not respond to their needs or have never been to school.
- Teachers have not received adequate gender related training nor any supportive learning materials on gender despite the introduction Comprehensive Sexuality Education in the schools curricular and this is further worsened by the fact that disability rights are not included in this curricular.
- Laws such as the Education Act 2010 have incoherent and ambiguous provisions which justify failure by the parents to take their disabled children to school and fail to bring schools to accountability for failure to accommodate children with disabilities. Section 6(3) of the Act Section provides that compulsory attendance does not apply to a learner with disability which prevents him or her from attending school. Section 4 (2) (b) of this law however compels all

LNFOOD to lobby and partner with National Curriculum Development Centre to develop materials that are gender and disability inclusive and sensitize parents, teachers and learners on gender responsive and disability inclusive Life Skills to promote continuity in learning for both learners.

- The Ministry of Education and Training in collaboration with DPOs to capacitate teachers, parents and PWDs on Inclusive Education Policy, 2018 to promote inclusive education in the mainstream primary and high schools under the project area for learning that is responsive to the needs of learners with disabilities.
- DPOs in collaboration with the National Curriculum Development Centre to develop materials that are gender and disability inclusive and sensitize teachers and learners on gender responsive and disability inclusive Life Skills education.
- LNFOOD to lobby for the review of Section 6(3) of the Education Act for it to be aligned with Section 4(2) (b) as well as the Children's Welfare and Protection Act Section 11(3) to enable all children with disabilities to attend in school irrespective of the disability.

<p>stakeholders in the education sector to promote the education of all by ensuring that as soon as the circumstances permit, a learner who is physically, mentally or otherwise handicapped is given special treatment education and care required by his or her condition.</p>	
--	--

Capacity of Disabled People's Organization	
---	--

<p>LNFOOD and DPOs generally do not have skills to mainstream gender in their programs and their organizations but only promote disability mainstreaming hence issues concerning gender equality and women empowerment have not been adequately addressed.</p> <ul style="list-style-type: none"> • The Gender Policy that was adopted by LNFOOD in 2015 has never been implemented yet it is a very comprehensive document that would go a long way to ensure gender mainstreaming in the programs of the organization and gender equality within the organization. • The male employees in LNFOOD occupy senior management positions with high income and are involved in decision making positions while the women hold junior positions with no decision-making powers in the organization. • LNFOOD and DPOs do not have a meaningful partnership with other gender and women's rights 	<p>LNFOOD to Institutionalize gender within LNFOOD through engaging a gender focal person to capacitate and support LNFOOD and DPOs staff on gender mainstreaming in order to mainstream gender alongside disability within the organization and beyond.</p> <ul style="list-style-type: none"> • LNFOOD to implement its 2015 Gender Policy through incorporating gender sensitivity into its programs, within its organizational structure as well as with individual member organizations. • LNFOOD and its funding partners to ensure equitable gender balance exists at all levels of the organization, and that women and men are fully represented in senior management positions and the decision-making process in line with the recommendations of the Gender Policy 2015 under the organizational culture. • LNFOOD to ensure the institutionalization of gender in the organization through engaging a
---	--

<p>institutions to the extent that LNFOD has no representation in the gender forums of these institutions such as the Gender Technical Committee, the GBV coordinating forum and the Gender Links Alliance Network.</p> <ul style="list-style-type: none"> • Some DPOs like LNAPD and IDAL do not have a gender policy while others such as LNLVIP have them although they are not comprehensive enough to promote the achievement of gender equality and gender mainstreaming. These include the advocacy training manuals such as LNFOD's training manual which is only disability inclusive but not gender responsive. • The DPOs do not have expert personnel in their organizations whether finance officers (except for LNLVIP) or qualified programme officers and depend completely on LNFOD as a result they are not able to attract sustainable funding. • There is no clear separation of roles and responsibilities within some of the DPOs like IDAL, NADL and LNAPD such that at the end it is not clear who constitutes the board of the organization and who is the secretariat and what are the boundaries hence failure for clear separation of responsibilities jeopardizes the organizations. 	<p>gender expert within the organization to support the organization and the DPOs on gender related issues at the national level within the established forums and committees and to also to coordinate gender issues at the organizational level so that these organizations can also mainstream disability in their gender related work.</p> <ul style="list-style-type: none"> • LNFOD to review and align the documents such as policies from DPOs and the advocacy manual of LNFOD to ensure they are gender responsive in accordance with the Gender Policy 2015. • DPOs should engage skilled personnel to assist in the technical aspects of the organization and to support the DPOs in the implementation of the organizational programs to promote sustainable growth of their organizations to be able to attract funding. • LNFOD review the constitutions of these organizations to set out clearly the structure of the organizations and to regulate the duties of the board and those of the secretariat and to do away with the situation whereby one person acts in both the roles at once. • LNFOD to facilitate the training of DPOs in organizational capacity and management skills from time to time to enhance their leadership and administrative skills.
--	---

	<ul style="list-style-type: none"> • DPOs to adopt a comprehensive human resource policy or manual to legally regulate the administrative affairs of the organisations in a manner that is both gender responsive and disability inclusive.
--	--

Capacity of Gender and Women’s Rights Institutions

<p>The analysis of gender and women’s rights organizations revealed that these institutions hardly systematically address the intersection of gender and disability in their overall mandate, policies and or strategies and as a result, women and girls with disabilities are left behind in their programming.</p> <ul style="list-style-type: none"> • The institutions under review do not appreciate or understand disability within the context of the CRPD and they have never received any training on disability which makes it very difficult for them to mainstream women and girls with disabilities in their programs. • The institutions under review only disaggregate data in accordance with gender and age and hardly include disability and since all of them mainly target women as their beneficiaries, they are of the view that women and girls with disabilities are included under the umbrella word women. • There is no concrete relationship and partnership between the DPOs and the institutions under review as the DPOs are not officially represented in the working committees and forums where all these institutions are represented. For example, the Gender Links Alliance Network, the Gender 	<p>LNFOOD to capacitate the Gender and women’s rights institutions on the intersection between gender and disability and how to mainstream disability alongside gender to promote the inclusion of women and girls with disabilities in their overall programming.</p> <ul style="list-style-type: none"> • LNFOOD to capacitate the gender and women’s rights institutions about disability rights so that they can appreciate and understand disability to effectively mainstream women and girls with disabilities in their programs. • LNFOOD to raise awareness to these institutions through the established gender platforms about the value of disaggregating data in a way that embraces and appreciates the diverse nature of women to include women and girls with disabilities in order to ensure their equal participation in activities targeting women. • LNFOOD to ensure that it is represented in the already established gender committees and forums together with its DPOs for a meaningful partnership and relationship to ensure that people with disabilities are included and are able to participated equally in these committees and forums.
---	---

<p>Technical Committee and the GBV Coordinating Forum under the Department of Gender.</p> <ul style="list-style-type: none"> • The Ministry of Gender Youth Sports and Recreation has adopted the Gender and Development Policy 2018-2030 in order to ensure gender mainstreaming in development and the Policy does take in to account disability and the fact that women with disabilities encounter double discrimination in some areas such as GBV. However, it tends to adopt a victim centered approach that only considers PWDs when they are victims (as was also observed in other organizations like WLSA) and fails to adequately embrace their agency economically and politically. • The National Disability Mainstreaming Plan that was adopted in 2015 is not gender responsive and this could be attributed to the fact that there is no collaboration between the Ministry of Social Development and the Ministry of Gender Youth Sports and Recreation. 	<ul style="list-style-type: none"> • LNFOD to specifically advocate for the inclusion of women and girls with disabilities in the economic and political empowerment initiatives of the Ministry of gender to ensure that they have equal access to economic and decision-making opportunities like other women without disabilities. • LNFOD to advocate for the review and the engendering of the National Disability Mainstreaming Plan to ensure that it is both gender responsive and disability inclusive.
Legal Framework	
<ul style="list-style-type: none"> • The Persons with Disabilities Equity Bill has been tabled before Parliament in 2018 and although it is in its final stages before the Senate, it has gender gaps and the gaps have been identified and brought to the attention of the Senate for the amendment before the Senate's approval. 	<ul style="list-style-type: none"> • LNFOD to lobby the Ministry Social Development and Parliament to engender the Persons with Disabilities Equity Bill before it is passed into law.

Conclusion

The gender analysis shows that there are many gaps that exist between theory and practice when it comes to gender equality and women empowerment in the context of disability. Whereas there exists a strong foundation set by the international and regional human rights system, domestication remains the greatest challenge. However, that has not stopped the pursuits for gender equality and women empowerment initiatives. Data that has been collected and analyzed indicates that a lot of ground work has been done on disability rights as well as on the promotion of gender equality. What appears to be consistently missing is the lack of consolidated efforts within and between the disability movement and the women's rights movement. Yet it is clear in both categories that women and girls with disabilities are the most affected. In fact, for women and girls with disabilities, this presents a dilemma because their rights are neither effectively addressed within the disability agenda nor within the women's rights agenda. This baseline study has clearly indicated that gender and disability coexist. For a meaningful inclusion, there is a need to adopt a more sustainable approach to bridge the inequalities that exist in our societies in such a way that we leave no one behind. Embracing a gender-sensitive and disability-inclusive approach in areas such as GBV, education and livelihoods will go a long way. This will not only lead towards eradicating the culture of violence that has become characterized by impunity as far as the disabled are concerned, but also achieving equal opportunities between women and men, girls and boys in development areas such education and livelihoods.

References

- Adams L. and Davodeau J. (2018). *Gender and disability intersectionality in practice: Women and girls with disabilities addressing discrimination and violence in Africa*. Available Online at: <https://www.makingitwork-crpd.org/sites/default/files/2018-05/MIW-HI%20Gender%20and%20disability%20intersectionality%20in%20practice%20-%20Women%20and%20girls%20with%20disabilities%20addressing%20discrimination%20and%20violence%20in%20Africa.pdf>
- African Development Bank. (2005). *Lesotho Country Gender Profile*. Available Online at <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/lesotho.pdf>
- Anastasiu D. and Kauffman J. (2019). *The Right to Education: Analysis of Article 24 of the UN CRPD. Disability and Human Rights*. Available online at: https://www.researchgate.net/publication/330778244_The_Right_to_Education_Analysis_of_Article_24_of_the_UN_CRPD
- Bureau of Statistics. (2018). *Lesotho Population and Housing Census Analytical Report, Volume IIIA Population Dynamic*. Available online at <http://www.bos.gov.ls/microdata/index.php/catalog/16/download/37>
- Handicap International. (2015). *Making it Work Initiative on Gender and Disability Inclusion*. Available online at <https://www.un.org/womenwatch/enable/WWD-FactSheet.pdf>
- Howitt D. and Cramer D. (2011). *Grounded Theory*. In D. Howitt and D. Cramer (Eds), *Introduction to Research Methods In Psychology*, Essex. Available online at: http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Howitt_2011.pdf
- Commonwealth Foundation. (2019). *Gender and its intersectionality: Guidelines for programming and engagement in governance*. Available Online at: https://commonwealthfoundation.com/wp-content/uploads/dlm_uploads/2019/08/Gender-intersectionality-guidelines-2019.pdf
- Frohman and Carolyn. (2012). *The Sexual and Reproductive Rights of Women and Girls with Disabilities. ICPD International Conference on Population and Development Beyond 2014*, Available at : https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2444170
- Minister of social Development. (2019). *A Report of National Disability Situational Analysis*. Government of Lesotho

Razav S and Miller C. (1995). *From WID to GAD: Conceptual Shifts in the Women and Development Discourse*. United Nations Research Institute for Social Development
Reeves, H and Baden, S. (2000). *Gender and Development: Concepts and Definitions*. Institute of Development Studies, University of Sussex. Available online at: <https://www.files.ethz.ch/isn/38688/OP%20001c.pdf>

Reeves H and Baden S. (2000). *Gender and Development: Concepts and Definitions*. Institute of Development Studies, University of Sussex. Available Online at: <https://www.bridge.ids.ac.uk/reports/re55.pdf>

Shale, I. (2015). (2015). *African Disability Rights Yearbook*. Pretoria: University of Pretoria Law Press. Available online at: <http://www.saflii.org/za/journals/ADRY/2015/9.pdf>

United Nations Development Programme. Available online at:

Un Women. (2017). *Making the SDGs Count for Women And Girls With Disabilities*. Available Online at: <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/10/Making-SDGs-count-for-women-with-disabilities.pdf>

UNFPA. (2018). *Women and Young Persons with Disabilities: Guidelines for Providing Rights-Based and Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights*. New York. Available Online at: https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-WEI_Guidelines_Disability_GBV_SRHR_FINAL_19-11-18_0.pdf