

Policy Brief on effective implementation of inclusive Education in Lesotho for benefit of people with disabilities.

Executive summary

Lesotho National Federation of the Organizations of People with Disabilities (LNFOD) is an umbrella body of disabled people's organizations in Lesotho (DPO's) whose mission to achieve the Basotho society that is inclusive of all people with disabilities through advocating for the promotion of rights of people with disabilities and providing support where needed. In line with its mandate LNFOD is implementing the project called **Gender and Disability Rights** under which it promotes disability and gender sensitive inclusive education in Lesotho. On this basis following its monitoring and evaluation of this program in line with the right to education, LNFOD prepared reports¹ which pointed to problems indicating policy issues in relation to the right to education of people with disability hence LNFOD prepare this policy paper to communicate the policy issues and propose possible effective solutions thereto. In terms of this policy Lesotho has made commendable improvements in relation to promoting the right to education for people with disability. It points to the fact that the Inclusive Education Policy adopted in 2018 is massive positive step in this regard. In terms of this brief in the absence of the implementation plan of this policy, the initiatives towards implementing gender and disability sensitive and responsive education in terms of the policy are fragmented and weak hence people with disability still face a myriad of barriers when trying to enjoy their right to education on equal basis with their non- disabled counterparts. The brief does recommend that the finalization and implementation of implementation strategy of this policy shall be a chief solution to the hardships faced by people with various forms of disability when accessing education as per the constitutional and legal prescriptions in line with its international undertakings on the Right to education under CRPD.

Introduction

Lesotho has ratified and acceded to a number of international human rights instruments that provide for the right to education. In terms of these instruments, education² is a universal right enjoyable without any form of discrimination. On this basis Lesotho has accepted that education is a right as opposed to it being a mere opportunity. Among all these instruments, Lesotho has ratified the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)** which in addition to guaranteeing education as a

¹ www.unpartnerportal.org/resources

² International covenant on Economic Social and Cultural Rights Art 15; Convention on the Rights of a Child Art 28; Convention on the elimination of all forms of Discrimination against Women Art10; African Charter on Human and People's Rights Art 17; African Charter on the Rights of a Child; Art 11 and Protocol to the African Charter on the Discrimination of All forms of Discrimination Against women.

universal right further guides on how this right applies to people with disabilities and states' responsibilities in relation to promoting this right to disabled people³⁴

In terms of this convention Lesotho has assumed the responsibilities to take among others policy, legislative and administrative measures to promote this right without discrimination and on the basis of equal opportunity.⁵ She has also undertaken to adopt inclusive education system with modalities accessible to and effective for the education of learners with different types of disabilities.⁶

Indicating her solemn intention to afford the right to education to people with disabilities on equal basis with their non- disabled counterparts, Lesotho is also part of the world's agenda for Development 2030 which contains the total of 17 sustainable goals. In terms of which Lesotho must ensure quality education for all and reduce inequalities within education.⁷

In pursuit to live up to her international undertakings under CRPD, Lesotho has made commendable strides at the national level. These include the constitutional, legislative and policy measures. The constitution of Lesotho mandates the country to adopt measures to promote education opportunities equally for the disadvantaged groups to enable them to participate fully in society in all spheres of life.⁸ It further requires that measures be taken to ensure that education is provided for all⁹ including those with disabilities.

Living up to her constitutional aspirations in relation to the right to education Lesotho did in the year 2000 introduce free primary education aimed at increasing educational opportunities for all primary going students.¹⁰ Although a commendable step. the benefits of this policy were hampered by the fact that it was done through a soft instrument (a policy) and as a result lacked the component of compulsory education. Education thus remained an opportunity as opposed to an enforceable right the contravention of which called for accountability. Free primary education policy did not specify the modalities with which enrolment and retention of learners with special educational needs in school could be facilitated. These shortcomings of this policy had a doubled when it came to people with disabilities whom their educational opportunities a comparatively obstructed by a number of hindrances.

The above effort was supplemented by the enactment of Education Act of 2010 and Child Protection and Welfare Act of 2011 which both reiterate the provision of free primary

³ Art 4

⁴ Art 4 read with Art24

⁵ Art 4(3)

⁶ Art 4(1)

⁷ SDG4 read with SDG 10

⁸ Sec 26 read with Sec 28

⁹ Sec28 (a), (b) & (c)

¹⁰ Lesotho Free and Compulsory Education Policy 2000

education and make such compulsory in line with Article 28 of CRPD and section 28 of the constitution.¹¹

These two Acts further allocate responsibilities to different stakeholders with the view of making sure that the right to education becomes a reality.¹² They both explicitly speak to free and compulsory education for people with disabilities without any discrimination whatsoever.¹³ Although these two Acts expressly prohibit discrimination of children with disabilities in terms of educational opportunities, Education Act which is the primary Act however permits the non- enrolment and or discontinuation of school on the basis of disability.¹⁴ This provision does in fact downplay the effectiveness of these legislative measures taken by Lesotho in relation to the right to education in line to international standards prescribed under CRPD. Moreover, the measures discussed only speak to primary education and only in formal and academic education. On this footing the right of [people with disabilities to access other forms of education at other levels eg post primary education, Technical and vocational training is still surrounded by a myriad of barriers

Further advancing towards her international undertakings and constitutional aspirations on the right to education, Lesotho supplemented the above steps through the adoption of **National Inclusive Education Policy in November 2018**. This policy does in line with Lesotho's undertaking under Article 28 of CRPD introduce Inclusive Education System. It speaks to the structural, policy and budgetary ramifications towards creating the education system that leaves no one behind.

This policy is in fact a means to an end as it has a potential to maximise the opportunities of people with disabilities to enrol in schools of their choices which shall in turn respond to their needs and aspirations through adopting inclusive teaching and learning modalities friendly and responsive to the various needs of the disabled learners. The policy further speaks to the administrative arrangements within the Ministry to widen the Ministerial capacity in ensuring the reality of inclusive education in Lesotho. To achieve this, prescribes among others, empowerment of all stakeholders through capitation and sensitization. It further prescribes budgetary adjustments and effective coordination for best implementation.

Policy Issue

Despite these initiatives, people with disabilities still face disability related barriers which deny them equal opportunities to access both formal and informal education. Consequently, people with disabilities are to a greater extent invisible in both academic and TIVET schools. Moreover, people with disabilities report that they still have a very limited choice when it

¹¹ Education Act Section 3(a) &(c)

¹² Education Act section 3 (c)

¹³Child ren's Protection and welfare act 2011 (11(3)

¹⁴ Education Act Section 9(3)(c) & Children's Protection and Welfare Act of 2011 Section 11(3)

comes to education as most schools still cannot enrol them on the footing that they do not have requisite skills and facilities to educate people with disabilities. Some reported to have quit schools due to the fact that they were subjected to various forms of discrimination which bared them from accessing equal education on equal basis with others.

Conclusion

Inclusive education is a commendable step towards realising the right to education of people with disabilities in line with Lesotho's international duties under CRPD and in line with Section 28 of the constitution. It is a means to an end as it consolidates and harmonize all the existing initiatives towards realising the right to education in a manner that leaves no minorities behind. Moreover, touching in all areas of education and elaborately touching on the modalities to be put in place in promoting the right to education in an inclusive manner, National Inclusive Education Policy proves to be encopassingly adequate step to progressively end discrimination of the minorities including people with disabilities within the education sector. With no limitations in its scope of applications as well as its provisions, the positive impact of this policy is largely hampered by its slow and uncoordinated implementation hence why people with various forms of disabilities still face the above state problems. Moreover, the absence of the implementation plan does not only hamper the effective implementation of the policy but also minimises the potential local, national and international cooperation in promoting inclusive education in Lesotho. As a result, LNFOD recommends as follows;

Policy Recommendations

To ensure that the Lesotho's international and national initiatives practically translate in to equitable and equal enjoyment of the right to education by people with disabilities it is recommended ass follows;

- The Ministry of Education and Training (MoET) Finalise and implement the implementation strategy of the National Inclusive education Policy
- The Ministry of Education and training develop monitoring and evaluation system for the policy with clear and measurable disability indicators
- That the Ministry of Education and Training on progressive basis budget for the progressive implementation of the inclusive education policy.
- That the Ministry of Education in collaboration with other stakeholders such as the disabled people's organizations and media houses popularise the inclusive education policy.

