

Lesotho National Federation of Organisations of the Disabled (LNFOD) press statement on Persons with Disabilities Equity Bill.

FOR IMMEDIATE RELEASE

A call to the Parliamentarians to align section 13(1) 22 and 45 of the Persons with disabilities Equity Bill with the UN Convention on the rights of persons with disabilities for the benefit of Basotho with disabilities.

Date 07th November 2019.

The Lesotho National Federation of Organisations of the Disabled (LNFOD) applauds the government of Lesotho for tabling the Persons with Disabilities Equity Bill in Parliament on the 4th and 5th of November 2019 with the aim of enacting this long awaited Bill into law.

However, LNFOD wishes to bring to the attention of the parliamentarians, government of Lesotho, civil society organisation, development partners, persons with disabilities and the Basotho nation that, section 13 (1) of the Persons with Disabilities Equity bill which empowers the Minister responsible for disability affairs to appoint and remove the Director General who will be working for the council of persons with disabilities does not comply with the article 33 (3) of the UN Convention on the rights of persons with disabilities which requires the council to be independent so that it may discharge its functions sufficiently and independently.

LNFOD submits as it did in the development of this Bill that the council should be independent and answerable to the Parliament because it has the role of monitoring the implementation of this Act including the Minister of Social Development. As a result, and in principle, the Minister responsible for disability affairs cannot be and should not be appointing the Director General because the Director General will be having a role of monitoring the Minister of Social Development in terms of implementation.

LNFOOD submits that the Director General should not be appointed by the Minister but rather should be recruited on merit by the independent council as soon as the council is established by a gazette.

Secondly, LNFOOD proposes section 22 (2) to be amended as follows: an employee with disability shall be subject to the same terms and conditions of employment, privileges, incentives, benefits, opportunities and allowances as an able bodied person. We are resubmitting our proposal that the qualification that persons with disability who performs as competently as an able bodied person be removed because it is constituting discrimination on the basis of disability by creating unfair comparison between a person with disability and the non-disabled counterparts.

Lastly section 45 (1) e) which sets out the criteria for a person with disability to receive a grant requires some renovations and as such LNFOOD request that an amendment be effected to remove 'medical' because disability is not defined in the medical form only but the socio-economic conditions and opportunities of such a person under review should be looked into. It is therefore submitted that there should remain the word 'report'. It is important to note that severity of disability is not determined by medical means in this case because this bill is adopting the human rights based approach which focuses on the barriers which hinder persons with disabilities from accessing services on an equal basis with others and does not specifically focuses on the impairment of an individual.

LNFOOD has written a letter to the Honourable Minister of Social Development, Honourable Chairperson of the Social Cluster, Honourable Speaker and the Clerk of the National Assembly informing them of this defect which should be cured before the Bill can be passed into law.

The defects identified in this Bill are significant and should be addressed in order to unlock the potential of this Bill in terms of impacting the lives of people with disabilities.

From the foregoing, LNFOOD calls upon the parliamentarians to ensure that section 13 (1) is amended by empowering the council on the rights of persons with disabilities to employ the Director General on merits so that it will maintain its independence and discharge its functions properly without the influence of the Minister.

LNFOOD calls upon the parliamentarians to consider section 22 (2) and section 45 in as proposed above, in order to protect people with disabilities from unfair comparison and ensure that the Bill aligns its criteria for determining the eligibility of grant to persons with disabilities in accordance with the human rights based approach.

The definition of disability contained by the Bill embraces the human rights definition of disability which consider disability as a social and economic issue which cannot only be defined medically.

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