



LESOTHO NATIONAL FEDERATION OF ORGANISATIONS OF THE DISABLED (LNFOD) PRESS STATEMENT ON THE PROVISION OF DISABILITY GRANT FOR PERSONS WITH DISABILITIES IN LESOTHO

Introduction

The Lesotho National Federation of Organisations of the Disabled (LNFOD) notes with appreciation the steps undertaken by government of Lesotho through the Ministry of Social Development (MOSD) to budget for the implementation of the disability grant as envisaged in the Persons with Disability Equity Act of 2021. The provision of the grant has a great potential of improving the social and economic status of persons with disabilities if implemented in the human rights-based approach.

However, LNFOD is equally concerned with the manner in which the MOSD intends to implement the disability grant.

Participation of organisations of persons with disabilities in the design of the disability grant

MOSD did not involve the organisations of persons with disabilities in the design and formulation of the disability grant resulting into exclusion of the voice of persons with disabilities in matters directly affecting their lives. Organisations of persons with disabilities have just been told of the formulation of the disability grant by the MOSD on the 15 July 2021 in which the disability grant presentation was made and inputs solicited. Exclusion of persons with disabilities in the formulation of the disability grant is a violation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) article 4.3 which obligates the state parties including Lesotho to involve persons with disabilities in all matters directly affecting the lives of persons with disabilities. In addition, their exclusion in decisions such as this will continue to perpetuate the social and economic disparities which disproportionately affect persons with disabilities in Lesotho.

Persons with severe disabilities

The Persons with Disability Equity Act clearly states that the provision of disability grant is for persons with severe disabilities. The Persons with severe disabilities are defined by the disability law as those with physical and mental impairments which are substantially limiting the full and effective participation of persons with disabilities in society on an equal basis with others. Contrary to this definition given by the Act, MOSD seeks to determine severity of disability by looking at the impairment or body condition of a person with disability instead of following the law by looking at the social and economic situation of an applicant with disability,

It is important to note at this juncture that in the human rights context, severity of a disability is not necessarily caused by the seriousness of his or her impairment alone, the social and environmental barriers play a significant role in limiting the full and effective participation of a person with impairment.

As a result, the test used by the MOSD to determine severity of disability perpetuates discrimination and medical and charity model which is contradicting with the same Persons with Disability Equity Act they are trying to implement with the provision of disability grant.

To be precise, persons with disabilities are hindered by the social and environmental barriers they face in life to participate and not so much by their impairments.

That is why LNFOD strongly believes that the apococate test to determine severity of disability should be a social one that is examining the social and economic barriers faced by the applicant whilst the medical expert can just be involved to declare the impairment of the applicant with disability.

Assessment

The Ministry further states that it will be the responsibility of the medical expert to determine severity of a disability and what the applicant with disability can do. This understanding that the medical expert can determine what a person with severe disability can do is not in line with the human rights standards set out by the CRPD. It undermines the humanity of persons with severe disability on the basis of their disability and does not

consider them to be people who can control their lives. It is only persons with severe disabilities who can determine what they can do in life not anyone else including the medical experts.

It is not clear from the presentation the kind of tools to be used by the medical experts to assess persons with disabilities, because Lesotho does not have enough specialists and ordinary medical practitioners to undertake this assignment. It is going to be difficult if not impossible to carry out the medical assessment fairly and in a timely manner which considers the human rights of the applicant.

From the foregoing, LNFOD is deeply concerned that if the MOSD continue with the provision of this grant as it is, it will not reach a significant number of the beneficiaries who deserve it because the test used is not line with the human rights approach of disability and will reject beneficiaries with disabilities from benefiting out of this arrangement.

The second component of the test is social in nature in which the MOSD has decided to use the existing test to determine the state of poverty of the applicant with disability. Though the MOSD has decided to use the existing social tools to determine the state of poverty of the applicant with disability, this will not do justice to an applicant with disability because the existing tools of the MOSD do not consider the socio-economic barriers faced by persons with disabilities in life.

Since persons with disabilities incur disability specific costs which other people do not incur, it is crucial to measure the disability specific costs and include them in the assessment. LNFOD therefore appeals to the Ministry of Social Development to reconsider using the existing social tools to determine the situation of an applicant with disability and adopt a new tool which consider the socio-economic barriers.

[Amount of disability grant](#)

The presentation by MOSD states that the successful applicant with severe disability will receive four hundred (M400) Maloti on monthly basis. The presentation goes further to

states that the carer, parent or guardian of such a person will be compensated with M150 per month for caring for a person with severe disability.

Without discounting the efforts by government, it is submitted that these amounts do not promote the independence of persons with disabilities as the objectives of the grant indicate. government states that he objectives of providing disability grant as to improve the economic empowerment of persons with disabilities. in addition, M150 for a carer, parent or guardian does not motivate him or her to support a person with severe disability.

The Bureau of statistics housing census report (2016) indicates that persons with disabilities constitute 2.5% of the total population, which is about forty six thousand people across the country. However, the report does not indicate how many people with severe disabilities are there for obvious reasons that it is difficult to classify severity of disability.

As an organisation of persons with disabilities, our observation is that persons with severe impairments can be estimated at less than 5% of persons with disabilities, which is a small number of persons with disabilities.

Considering that this grant is not given to everybody with disability and considering the small number of persons with severe impairments, it is submitted that government has an opportunity of raising the amounts to at least M800 for a person with disability and M500 for a carer.

Recommendations

- LNFOD appeals to government to engage organisations of persons with disabilities in the decisions affecting persons with disabilities as required by the national and international law including CRPD which obligates government to do so through article 4.3 and article 33 of the Convention.
- LNFOD strongly encourages MOSD to implement the disability grant in accordance with the Persons with Disability Equity Act which adopts social model of disability in setting up a test for determine disability. Disability is no longer seen in a person but in an environment which inhibits such a person to participate on an equal basis with others in society.

- LNFOD appeals to MOSD to adopt human rights-based approach in assessing persons with disabilities applying for a disability grant by designing social assessment tools which consider the social and economic barriers faced by persons with disabilities and involve medical experts to declare the impairment of an individual. Medical experts are not trained to tell what persons with disabilities are capable of doing in life.
- It should not be left to the medical experts alone to tell severity but, a tool should be developed in consultation with organisations of persons with disabilities to be filled up by the medical experts which should just diagnose an impairment not a disability.
- LNFOD urges government of Lesotho through the Ministry of Social development to request support from the development partners to contribute towards the provision of the disability grant that is in line with the adequate standard of living in Lesotho.

Actions to be undertaken by LNFOD in this regard

1. LNFOD will continue to advocate for the provision of disability grant that is meeting adequate standards of living to the Ministry of Social Development through negotiations, lobbying and advocacy meetings.
2. LNFOD has submitted the standpoint of persons with disabilities to the Ministry of Social Development and awaits the response of the Ministry of Social Development.
3. If government does not respond accordingly, LNFOD will engage with the African and United Nations human rights mechanisms to highlight the situation of persons with disabilities in Lesotho including through shadow reports and other means.
4. LNFOD will continue its engagement with other civil society organisations working in human rights to find legal, social and economic means of addressing this issue.

Please do not hesitate to contact LNFOD at the following contacts for more information about this press statement

Telephone: 22330345

Emails: nkhasi@lnfod.org.ls and masekara@lnfod.org.ls