Securing Access to Justice for PWDs in the Criminal Justice of Lesotho.

LNFOD with the support of OSISA is implementing a project to secure access to justice for persons with disabilities in the criminal justice of Lesotho. This follows LNFOD’s success in challenging the constitutionality of Section 219 of the Criminal Procedure & Evidence Act No.9 of 1981 in the High Court (Constitutional Division). The section provides that intellectually/psychosocially disabled persons are not competent witnesses thereby denying them equal access to justice. This legal barrier not only violated the right to equality before the law but was also discriminatory on the basis of disability. Further it disproportionately affected women and girls with intellectual and psychosocial disabilities as this rendered them vulnerable sexual abuse. In order to facilitate the implementation of the judgment, LNFOD recently engaged a disability rights consultant to train 18 individuals on how to provide accommodations for persons with intellectual/psychosocial disabilities in the justice system of Lesotho. This will enable them to effectively participate and therefore enforce their rights equally in all stages of legal proceedings. LNFOD reaches out to all Basotho to support people intellectual disabilities to exercise their right to access justice through reporting all the related cases to the police.

Community awareness raising is also crucial to ensure that the people on the ground including the people with disabilities know about the equal right to access justice for people with disabilities. This is particularly important because it does not only contribute towards crime prevention but also because it promotes the reporting of the cases in order for justice to be achieved for all. LNFOD therefore successfully trained program officers from its affiliates; Intellectual Disability Association of Lesotho (IDAL), National Association of the Deaf Lesotho (NADL), Lesotho National League of the Visually Impaired Persons (LNLVIP) and Lesotho National Association of the Physically Disabled (LNAPD) at the beginning of May to effectively conduct community outreach activities. The above mentioned decided case (Koali Moshoeshoe & Others vs. DPP & Others Constitutional Case /14/2017) is a reformative judicial precedent which will be disseminated and hopefully implemented by the courts of law across the country. The shift towards the realization of the right to legal capacity for persons with intellectual/psychosocial presents a remarkable opportunity towards overall enjoyment of all the
rights provided for in the United Nations Convention on the Rights of Persons with Disabilities on equal basis with others.