

# DISABILITY LESOTHO



## From the Editor

Dear Partner,

Welcome once again to the edition of Disability Lesotho, the monthly email newsletter from Lesotho National Federation of the Disabled. The edition will cover news for the Month of January, 2016.

This e-newsletter is a platform whereby partners in the disability sector share the good work they do and learn from the work of others. This includes news, concerns, events, updates, activities and all issues affecting people with disability in Lesotho. We therefore welcome contributions of any nature from all organizations and institutions working to improve the lives of people in Lesotho, including those with disability.

I hope we all welcomed the year peaceful and wish you a prosperous New Year.

I would kindly pass my sincerest apologies for every mistake that I made since started doing the editorial job for this E-newsletter.

Let me first start by directing my sincere apologies to LNAPD, the broader people with disabilities constituency and the public at large for the article entitled "LNAPD parliament" published on the December Disability Lesotho E-newsletter. Some statements in the said article were deemed offensive and should not have been on the article. I therefore apologies to the readers of this lovely publication.

If you would like to contribute to the next issue or have received this newsletter from a third party and wish to be included on the mailing list please contact Pascalina Letsau on [pletsau@gmail.com](mailto:pletsau@gmail.com)

If you missed the previous editions please visit [www.infod.org.ls](http://www.infod.org.ls)

We welcome any feedback that may improve the quality and content of this free service.

Best regards,

The Editor



## DIRECTOR'S CORNER

### Opening statement during public lecture on right of people with disabilities access justice

By: Nkhasi Sefuthi

On the 25th January, at Maseru Avani Hotel the director made this statement during the Lecturing

Lesotho became a signatory to the UN Convention on the rights of persons with disabilities on the 2ND December 2008. Lesotho is therefore under the obligation to domesticate This Convention in order to promote proper protection and enforcement of the rights of people with disabilities within the Lesotho judicial system. Article 4 of the Convention requires all member states to review, modify, amend, and eliminate all laws, policies and practices which constitutes discrimination on persons with disabilities on the basis of their disability. Seven years after the Ratification, LNFOD conducted a study in 2015 intended to determine the extent to which Lesotho was complying with this Convention in terms of removing and amending laws which restrict people with disabilities to exercise the right to access court as a fundamental human right since its ratification in 2008. This study documents that persons with disabilities experience serious inequalities in terms of access to justice due to attitudinal and



environmental barriers facing them when trying to access justice sector services. For example, Section 219 of the Criminal Procedure and Evidence act of 1981 prohibits people with mental disabilities from becoming witnesses in the proceedings on the basis that, they cannot understand the proceedings of the Courts.

This section does not take into account the degree of disability which one may have and it does not distinguish between people with disabilities and those with mental illnesses. As a result, people with intellectual disabilities particularly women and girls continue to be the victims of sexual offences on a very high scale because the perpetrators raise the defense envisaged by section 219 of the aforementioned Act.

Police have difficulties when investigating cases involving people with disabilities because of the lack of expertise from the investigations' department to communicate with the Deaf or people with intellectual disabilities.

In a nutshell, access to justice and to Courts remains a huge challenge to people with disabilities due to the institutionalized unfair discrimination, lack of Sign Language Interpreters at the Courts of law and lack of accessible information for the visually impaired persons. Persons with disabilities have the right to personal assistance whose costs should be borne by the institution mandated to provide such services to all.

LNFOOD is therefore calling upon the relevant Ministries in the administration of justice to reconsider their position towards people with disabilities by amending the laws which constitutes unfair discrimination against people with disabilities. In order to address the challenges aforementioned, LNFOOD has approached the main stakeholders in the justice sector with the aim of finding solutions to the challenges aforesaid.

We just introduced the concept of strategic litigation in our programs in which the aim is to influence the human rights based jurisprudence of the Courts of Lesotho around the protection of disability rights.

We are also calling upon the government of Lesotho and all stakeholders to consider the meaningful inclusion and participation of people with disabilities in the development of the law, policies and practices regulating the provision of their services to the public.

LNFOOD is reiterating its call to the government of Lesotho to speed up the process of enacting a disability rights legislation which will promote and protect the rights of people with disabilities.

## ADVOCACY ASPECT

### Disability Community laments the delay in enactment of the Disability Equity Act

**By: Masekara Sekoankoetla**

Lesotho ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008. Under this convention, it has committed to equally and equitably protect, respect and promote human rights of people with disabilities (PWDs). To achieve this, it has particularly undertaken to repeal all the disability rights unfriendly laws and enact the disability rights legislation. This binding undertaking has brought the glimpse of hope that injustices on PWDs in years PWDs still suffer grave human rights injustices. Lesotho will be a moribund. However, after seven

Contrary to Lesotho's undertakings under CRPD, people with mental disabilities despite the degree of the disability, the deaf and those with speech disability do not enjoy the right to participate in government guaranteed by the constitution. This right is denied by section 57 read with section 58 of the constitution. In addition, section 219 of the Criminal Procedure and Evidence Act denies people with mental disabilities the right to access justice. Moreover, the Study on the Living Conditions on People with Disabilities conducted in 2011 exposed more civil, political, social and injustices against the disability community in Lesotho. The expectation of PWDs was that these studies would trigger the speedy domestication of is UNCRPD through the enactment of Disability Equity Act. Instead the government has solely reacted with institutional and policy strategies. Among others, it launched the National Rehabilitation Policy in 2011. However, in the absence of the budget for its implementation, this policy is rendered ineffective in extinguishing the injustices against PWDs.

Moreover, the government launched the National Disability Mainstreaming Plan. This is a strategic tool through which the government Ministries shall mainstream disability issues and concerns in their annual plans and programs.

What extinguishes hope that the policy will fully quench the plight of PWDs is that like the National Disability Rehabilitation policy is unenforceable hence its implementation rests on the will of the government. In addition, looking at the contents of these policies, they do not address the civil and political Rights to PWDs. The long awaited Disability Equity Bill will confer the rights to PWDs, abolish the discriminatory laws and confer enforceable rights to PWDs. The binding nature of this Act will trigger the inclination on the part of the government to implement both this Act and the Policies. The enactment and coming in to effect of the Disability Equity Bill will make equal enjoyment of human rights a reality.

## GENERAL NEWS

### Erratum to the article of entitled “LNAPD parliament” published on the December Disability Lesotho E-newsletter Issue 1 Vol.3

By: Nkhasi Sefuthi



As the Executive Director of the Lesotho National Federation of Organisations of the Disabled (LNFOD) kindly passes sincerest apologies to LNAPD, the broader people with disabilities constituency and the public at large for the article entitled “LNAPD parliament” published on the December Disability Lesotho E-newsletter.

LNFOD has received complaint from the said organisation that the article was intended to attack them. LNFOD therefore acknowledge that the conduct of their editor was completely unacceptable and apologize to the LNAPD, individuals with physical disabilities and the readers of the publication at large. LNFOD has called the author of the article and asked her to

apologize to LNAPD. She regrets her conduct and is ready to apologize to any member who feels offended by those unfortunate statements.

On behalf of LNFOD and all its management, I too apologize for any offense this has caused. We reaffirm our commitment as LNFOD that we will stick to our principle and that our staff, columnists and contributors always behave with respect and courtesy.

## OPINION PIECE

### People with disabilities and socioeconomic rights

By: Morongoe Thatho



Disability is a restriction caused by physical, psychological, sensory, social, cultural, legal or other obstacles that prevent disabled person from becoming integrated and taking part in family life and the community on the same footing as everyone else. It can be caused by injury, disease or medical condition or neurological, chemical or developmental factors. On the other hand, Social rights are those provisions expressed in legal and other forms, which are necessary for the fulfillment of peoples' social needs and for the promotion of social cohesion and solidarity.

Persons with disability are the world's largest minority, which have generally poorer health, lower education achievements, fewer economic opportunities and higher rates of poverty than non disabled people. This is largely due to the lack of services available to them like information and communications technology, justice or transportation and many obstacles they face in everyday lives. These obstacles may be as a result of

societal attitudes, discrimination, physical environment or they may be resulting from legislation or policy. To alleviate these disparities between people with disabilities and non disabled people, the United Nations has adopted the **Convention on the Rights of Persons with Disabilities of which Lesotho** has ratified in December 2008. Furthermore, there is the milestone document on human rights, which is the **United Declaration on Human Rights** of which its article 1, provides that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Despite that Lesotho constitution had already provided for the socioeconomic rights under Part III of the Constitution. However, the provisions of this part are not enforceable before courts; they are just taken as guidelines to the public authorities and agencies to align themselves with in their day to day performance of their functions.

The principle that respect for fundamental rights and access to economic and social rights are essential preconditions for development, social cohesion and democratic renewal in every country. Therefore, the rights of people with disabilities require special attention and monitoring. Moreover, the principle that non-discrimination and equal opportunity are a matter of everyone's having access to social rights, have to be observed and protected. PWDs vulnerability has aroused a considerable interest in how to protect them, with assistance and support through affording them the socioeconomic rights. These people have to be assisted with job opportunities, a better education, food and health.

To reduce the disparities that everyone observes from the non disabled persons and PWDs, we must urge the government to put forth the needs of PWDs through access of services they need, such as buildings, transportation, to reach schools and institutions.

They must be assisted with sign language interpreters, Braille and any other tools to ease their education even in the rural areas. The public should be urged through advocacy that PWDs must be afforded equal rights like anyone else so that they cannot feel discriminated against.

There must be a form of assistance in affording them job opportunities as a means of reducing poverty amongst PWDs. Their health issues must be prioritized. Health must not include medical assistance only but normal access to education, healthy diet, stable employment with regular income and adequate social protection, environment that is clean and shelter as a form of living in the community with one's family rather than an institution. Furthermore, the government should prioritize the domestication of the convention on the rights of persons with disabilities and enact laws and policies as a means of accommodating PWDs.



## Hon. Justice Semapo Peete – Judge High Court for 19 yrs since 1997 to present

### 1. When did you first interact with people with disabilities?

- I started interacting with LNFOOD directly since 2006

### 2. Have you ever had an opportunity to provide over a case which involved a person with disability?

- There are very rare cases of people with disabilities in the high court probably because legal fees are not affordable to them.

3.

### 4. Did you have any challenges equally administering justice?

- Judges and Magistrates need to be sensitised about rights of people with disabilities. They need to know Braille so that they can assist visually impaired if necessary.

### 5. Do you think the court procedures are disability friendly?

- The procedures at court are not disability friendly at all. A comprehensive questionnaire is needed at a national level, so that challenges and problems can be gauged.

### 6. Would you date a person with disability? What kind, why?

- Yes, I would date a person with disability as a friend only, who talk a lot, pretty and expresses her feelings because it would help me to deeply understand a person with disability better and to assist her in her disability.

### 7. Which pet do you like?

- I like a cat or a puppy as my favorites pets

### 8. If you had to send it, what would you like it to do for you?

- I would like it to play about the louse

## UPCOMING EVENTS/ANNOUNCEMENT

**LNFOOD is introducing Ms. Morongoe Thatho as the new Programme Officer in the office**



To know more about her conduct the office; + 266 223203455

Email; [morongoe@Infod.org.ls](mailto:morongoe@Infod.org.ls)

**Self – help groups formation continue**

For more information please conduct LNFOOD office; +266 22320345

Email; [moeletsi@Infod.org.ls](mailto:moeletsi@Infod.org.ls)

**Forum on disability inclusion for CCS in the project areas**

For more information please conduct LNFOOD office; +266 22320345

Email; [moeletsi@Infod.org.ls](mailto:moeletsi@Infod.org.ls)

**Assembling of wheelchairs in Mophales'hoek**

For more information please conduct LNFOOD office; +266 22320345

Email; [moeletsi@Infod.org.ls](mailto:moeletsi@Infod.org.ls)

# NEWS IN PICTURE



Professor Michelo Hansungule during his lecture on the right to access justice by PWDs for the Lesotho justice sector



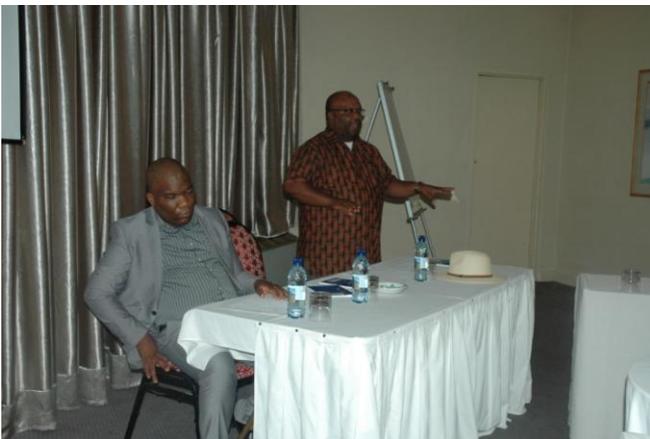
Participants at Maseru Avani during the lecture on the right to accessing justice



Hon. Justice Semapo Peete doing his presentation at the event



Participants and Prof. cheering up after the lecture at Maseru Avani Hotel



LNFOD Director and the Deputy commissioner of Lesotho correctional Services Mr. Phamotse



Youth with disabilities also participated in the meeting with their views too

# ADVOCACY WORK



## LNFOD

PARTNERS in Advocacy Work



Africa Disability Alliance

