



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Lesotho under article 35 of the Convention, due in 2011*

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* The present document is being issued without formal editing.



Acronyms

NMRIF	National Mechanism for Reporting, Implementation and Follow-up
LNFO	Lesotho National Federation of the Organizations of the Disabled
NGOs	Non-Governmental Organizations
PDEA	Persons with Disabilities Equity Act
PWD	People with Disabilities
LDF	Lesotho Defence Force
GBV	Gender Based Violence
IEC	
LMPS	Lesotho Mounted Police Service
CP&E Act	Criminal Procedure and Evidence Act
CPWA	Children's Protection and Welfare Act
OPDs	Organizations of People with Disabilities
NIRC	National Identity and Civil Registration
PLSO	Pathways for Sustainable Livelihoods Project
CBR	Community Based Rehabilitation
IVRC	Ithuseng Vocational and Rehabilitation Centre
CHAI	Clinton Health
MFPs	Ministerial; Focal Persons
LNLVIP	Lesotho National League of Visually Impaired Persons
ECCD	Early Childhood Care and Development
IEP	Individualised Education Programme
ESP	Education Sector Plan
MoET	Ministry of Education and Training
TSD	Teachers Service Division
LCE	Lesotho College of Education
NMDS	National Manpower Development Secretariat
TVT	Technical, Vocational Training
NCDC	National Curriculum Development Centre
SEU	Special Education Unit
NECDOL	Network of Child Development of Lesotho

Introduction

1. The Kingdom of Lesotho presents its Initial Report under article 35.1 of the Convention on the Rights of Persons with Disabilities (Convention). Lesotho acceded to the Convention on 2 December 2008. When read together with Lesotho's Common Core Document, this report demonstrates the efforts made by the country since the accession to the Convention to implement the Convention at the national level, including challenges and capacity development needs.
2. Lesotho established its inter-Ministerial National Mechanism for Reporting, Implementation and Follow-up (NMRIF) in August 2021. The NMRIF compiled this initial report, wherein Lesotho National Federation of the Disabled (LNFOD) was co-opted. Civil Society actors and non-governmental organisations (NGOs) provided valuable inputs in drafting the present report through stakeholders' validation workshop.

Articles 1–4

3. For the collection of data for Census Report 2016, the Bureau of Statistics used the disability as defined by the Washington Group method. On this basis, the respondents were asked about difficulties they may have had doing certain daily life activities because of health problems such as; the difficulty they have seeing even if wearing glasses, hearing even if using a hearing aid, walking or climbing steps, remembering or concentrating, self-care as well as communicating for example, understanding or being understood by others. Anyone having at least 'a lot of difficulty' was considered to be having a disability regardless of whether it was for long or short term.
4. The Constitution as the supreme law provides for and protects human rights for all. Section 18 prohibits discrimination on the basis of disability. Where human rights are infringed or when the infringement of such rights is imminent, the affected person/s are entitled to vindicate such rights before the High Court as the court of first instance. The challenge is that the Constitution in Chapter II does not expressly mention disability as a prohibited ground of discrimination. However, the Court in the case of *Thabo Fuma v Commander LDF CC/8/2011*[2013] decided that disability should be read into Section 18 of the Constitution as a prohibited ground of discrimination.
5. Another challenge is that despite this ruling, some provisions of the Constitution continue to adopt the medical model of disability. For example, Section 33 (a) allows for institutionalisation of persons with disabilities. Further, Sections 58 and 59 relating to appointment to Parliament disqualifies a person with visual and physical impairment and of unsound mind. These challenges found their way into other laws such as Sexual Offences Act 2003, Criminal Procedure and Evidence Act 1981, The Penal Code 2010, National Assembly Electoral Act 2011 by reinforcing the medical model of disability.
6. The Persons with Disabilities Equity Act 2021 (PDEA) Section 1 is similar to the definition used in Article 1 of the Convention on the Rights of Persons with Disabilities. This definition adopts the social perspective of disability into Lesotho's jurisdiction and propels the national initiative to respect the inherent dignity of persons with disabilities. All laws, policies and programs are expected to align with this progressive definition. However, there is a need for harmonisation of laws such the Constitution and the Counter Domestic Violence Act 2022 with the PDEA and judgement in *Thabo Fuma*.
7. Contrary to the progressive development brought by PDEA and the ruling in the above case, there are some practices which still discriminate against people with disabilities, particularly those with mental disabilities. For example, people with mental disabilities are generally regarded under some laws (commercial and marriage) and practices as having no legal capacity to enter into binding contracts. In addition, there are some reports in relation to property grabbing perpetrated against people with disabilities.
8. Under PDEA, 'Reasonable accommodation' is similar to the definition in the Convention. In line with this definition, for example, Disability and Equity (Procedure) Rules 2023 (the Rules) have relaxed some court procedures providing accommodations for people

with disabilities participating in court proceedings. This conceptualization is also visible in Inclusive Education Policy 2018 launched in 2019 (in definition of inclusive education and the objectives of the policy). The Rules and the Education Policy prioritises training of relevant staff such as the justice sector and teachers respectively on disability and accommodations to eliminate attitudinal barriers, which in our context are major propellants of undue burden.

9. Lesotho has been under the medical model of disability which did not influence amongst others any initiation of deliberate measures to end discrimination of PWDs. It was only in 2021 when the social model of and human rights-based approach to disability was adopted through the PDEA. Deliberate measures to bridge the equality gap between PDWs and their counterparts in different areas of life have been adopted by the Justice sector with the court rules of procedure and are yet to be implemented.

10. The Constitution under chapter 2 enshrines civil and political rights that can be vindicated in the High court in the case of any violation. This shows Lesotho's intention to immediately implement this group of rights. Whereas the socio-economic and cultural rights are provided for under chapter 3 as principles of state policy that shall be implemented on a progressive basis. (reference is made to paragraphs 4 and 5 above respectively).

11. To promote and protect rights of people with disabilities, Lesotho has enacted PDEA. In drafting this law, the Government engaged various representative associations of PWDs to provide expertise on disability inclusion, their involvement extended to the parliamentary sessions and public hearings across the country. Finally, PWDs and their associations participated during the stakeholder's validation of the law. However, there is no data that is disaggregated by gender and disability.

12. Under the auspices of the Constitution, Lesotho's legal and institutional framework has generally followed the medical model of disabilities. The laws, policies, institutions and other measures that deliberately targeted the promotion of the rights of people with disabilities were intended to 'protect' them and not to promote their independence and effective participation in society. On this basis, Lesotho had no greater measures or otherwise for promotions of disability rights than those provided in CRPD.

13. In Lesotho the domestication of the convention has been through the enactment of the PDEA and applies across the country. Implementation of PDEA remains to a certain extent centralised. For example, the law is still not yet widely disseminated to the rest of the districts.

Article 5

Equality and non-discrimination

14. Lesotho observes the rule of law with the Constitution being the supreme law of the country. On this basis, any law, act or practice that does not align with the constitutional provisions can be declared unconstitutional by the courts of law.

(a) Sections 18 and 19 of the Constitution respectively, provide for freedom from discrimination and the right to equality before the law and equal protection of the law for all. In addition, in terms of section 22 read with sections 18 and 19, people with disabilities whose rights are or about to be contravened are entitled to claim such rights before the High Court as the court of first instance.

(b) In the case of *Thabo Fuma v The Commander LDF and Others* (referenced above). A visually impaired member of Lesotho Defence Force (LDF) was dismissed from work on the basis that he was then blind. He challenged his dismissal on the basis of Sections 18 and 19 of the Constitution. The Constitutional Court upheld his claim and the decision of Commander LDF was declared unconstitutional and he was reinstated.

(c) Similarly, in the case of *Koali Moshoeshe v the Director of Public Prosecutions* CC/14/2017 a complaint was brought before the Constitutional Court by one Koali Moshoeshe who is an adult male with mental disability. Koali challenged section 219 of the Criminal Procedure and Evidence Act of 1981 which prohibited people with mental disability from giving testimony or evidence before the courts of law on the basis that it is in

contravention of Section 18 of the Constitution which provides for freedom from discrimination as well as section 19 on equality before the law. Upholding his claim, the Constitutional Court quashed the impugned section 219 of CP&E Act and declared it unconstitutional.

15. Even prior to the enactment of the PDEA the courts made reference to the CRPD as seen in the case of *Thabo Fuma* mentioned above. Moreover, Lesotho domesticated CRPD through the enactment of PDEA. This Act enshrines the substantive rights of persons with disabilities which practically bridges the equality gap and minimises discrimination of people with disabilities regarding the enjoyment of rights. These include the right to participate in government and the right to education.

16. Section 32 of the PDEA mandates the Chief Justice to develop rules for the accessible format methods of legal services which take into account the needs of people with disabilities to attend and effectively participate in court proceedings. Moreover, building on the case of *Koali Moshoeshoe* above, Section 32(3) and (4) respectively provide that a person with mental disability shall be a competent and compellable witness before any court of law. They shall also be afforded assistance that accords to their needs in any legal proceedings including the preliminary stage of judicial justice.

Administrative Measures

17. The Disability Advisory Council is established under section 4 of PDEA as a functionally independent body. It is given, amongst others, a mandate to issue 'adjustments orders' to correct accessibility barriers which hinder equal access by people with disabilities of services meant for the public either by private or public service. The Council is also mandated to develop accessibility standards to be followed by both public and private service providers to eliminate discrimination of people with disability in relation to access to services. The council is now gazetted and launched. However, it is yet to engage the secretariat in order to begin functioning.

18. Moreover, the Lesotho Mounted Police has established a disability Unit that is responsible for mainstreaming disability in the police service. This promotes access by persons with disabilities in the preliminary stages of criminal justice. In addition, through the recently adopted Rules, the Government has provided for the use of accommodations in the justice system. See paragraph 8 above. Moreover, there are laws and administrative measures in place that grant PWDs effective protection against discrimination, whereas in practice PWDs do not afford legal services. To remedy this, there is provision of legal aid services. However, PWDs still face challenges in accessing legal aid services offered by the Legal Aid Department under the Ministry of Law and Justice, which remain centralised and also means tested.

19. In addition, PWDs face a myriad of disability related barriers when accessing both legal and legal aid services because the legal provisions stated above are not yet fully implemented. For example, in practice, there is still lack of accommodation providers in the criminal justice sector. Moreover, minimal dissemination of the PDEA and the Rules, minimal to no observation of the judicial precedence on the cases above as well as the disharmony between the progressive PDEA and the constitution and other laws pose as a challenge.

Affirmative Action Policies

20. Section 18(4)(e) of the Constitution permits positive discrimination where such discrimination is in favour of a group of people that has long been discriminated so as to advance the same in order to bridge the equality gap. This provision was upheld by the Constitutional Court in the case of *Ts'epe v Independent Electoral Commission and Others CIV/APN/135/2005*. In this case pursuant to section 18(4)(e) of the constitution, a provision was made in the electoral law with which certain constituencies were reserved for female candidate contestants only in the local government elections. This was to advance the participation of women in governance and decision-making processes. The Constitutional Court acknowledged the fact that the proviso in the electoral law was indeed discriminatory on the complainant and his male counterparts and violated their right to participate in

governance. The Court however upheld the law on the basis that it brought positive discrimination and was justifiable in favour of women who had for a long time not equally enjoyed this right.

21. Despite the positive development with respect to women, there is no such for persons with disabilities. However, there is an emerging practice by political parties to provide for inclusion of PWDs in the decision-making portfolios.

Article 6

Women with disabilities

22. Gender and Development Policy 2018–2030 under priority area of gender-based violence recognises that PWDs are more vulnerable and in need of robust interventions. However, there are no programs targeting women and girls with disabilities in the gender-based violence strategies.

23. Nonetheless, LNFOD has a gender and disability initiative, currently in phase 2, wherein there is a gender and disability networking forum consisting of gender and human rights institutions which include the Ministry of Gender, Youth and Social Development. The objective of this forum is to promote gender and disability mainstreaming in all sectors. This intention has not yet been realised through programs in Government. LNFOD has managed to promote inclusive gender based violence (GBV) prevention and response by training the justice actors and communities. It has also provided economic empowerment (grants and training) to women and girls with disabilities to start income generating projects, albeit at a small margin.

Article 7

Children with disabilities

24. The Children’s Protection and Welfare Act of 2011 being the principal law on all issues concerning children has stipulated the following principles when it comes to decision making under its section 4:

The Best Interest of the child

(a) All actions concerning a child shall take full account of his best interests, and shall be the primary consideration for all courts, persons, including parents, institution or other bodies in any matter concerning a child.

Non-discrimination

(b) The Act prohibits discrimination against children on the grounds of disability, amongst others.

Evolving Capacity

(c) All actions concerning a child shall take full account of his evolving capacities.

(d) However, cultural practices which are contrary to this law remain dominant. For example, decisions are made on their behalf without prior consultation, and it is worse for those with disabilities.

25. The Children’s Protection and Welfare Act 2011 has the following provisions: Section 14 (1) provides for the right of a child to express their opinion freely and to have that opinion taken into account in any matter or procedure affecting the child. Also, section 59(1) mandates that all children aged 10 years and above must give consent before an adoption order is granted. Further, Section 223 mandates that all children at the age of 12 and above must give consent to HIV testing. However, the Act does not expressly mention children with disabilities. As mentioned above, the challenge is that cultural practices which are contrary to these provisions take precedence.

26. The PDEA stipulates that a custodian, parent, or guardian of a child with disability is prohibited from refusing to have the child enrolled in school. In practice however, socialisation of boys and girls differs whereas gender roles and expectations for girls with disabilities reinforce their minority status as compared to boys thereby limiting their inclusion prospects in almost all areas of life. Moreover, in education, boys with disabilities are more visible at lower primary than girls. As grades progress to higher primary, girls become more visible. Although at tertiary level there are more boys than girls with disabilities who complete, hence there are more boys with disabilities in formal employment occupying decent jobs. This is further evidenced in GBV prevalence of women and girls.

27. In addition to the general human rights provisions in chapter II of the Constitution, the CPWA in Section 13 provides that a child with disability has a right to dignity, special care, medical treatment, rehabilitation, family and personal integrity, sports and recreation, education, and training to help him enjoy a full and decent life and achieve the greatest degree of self-reliance and social integration. Also, section 23 of the PDEA provides for the right to education for children with disabilities. Moreover, there is a monthly care-dependency grant (about \$33) under section 46 of the PDEA that is provided through Social Development to cater for the needs of children with disabilities.

28. The Government has put in place the following administrative measures: Social Development through Child Protection Services has developed a positive parenting booklet which is inclusive of parenting children with disabilities. Special Olympics, where children with intellectual disabilities take part in sports is also established. Further, the Ministry of Education and Training has developed the Inclusive Education Policy 2018 to ensure that the right to education for children with disabilities is recognised and to integrate learners in mainstream schools. There are 5 special schools which cater for children with special educational needs and 18 inclusive education schools in the whole country.

29. There is also Foster Care and Adoption Policy, Guidelines for Foster Care and Adoption, Guidelines for Care Facilities, Violence Against Children Survey Report and Violence Against Children Prevention and Response Plan while the child protection policy is underway, the validation process was done in June 2024.

Article 8

Awareness-raising

30. The Ministry of Education and Training through the special education unit is tasked among others to sensitise and raise awareness on disability. It carries out these through road shows, public gatherings and media campaigns. The Ministry also commemorates international days on different disabilities annually across the country.

31. During the drafting of the PDEA in 2018/19 the Parliament and Social Development held 10 public hearings in the 10 districts in collaboration with LNFOD on issues of disabilities and the convention and how the PDEA addresses them. There is continual awareness about the Convention through the PDEA which is incorporated in various activities of Government and other stakeholders such as LNFOD.

Article 9

Accessibility

32. The Buildings Control Act 1995 enjoins constructors of buildings meant for the general public to make them accessible. The law influenced construction of new accessible buildings. However, the sanctions and penalties provided have never been implemented for non-compliance. In addition, the PDEA in terms of section 26 read with sections 27 and 42 provides that a person with a disability is entitled to a barrier free and disability friendly environment to enable the person to have access to (a), buildings, roads and other social amenities; (b) assistive devices and other equipment to promote their mobility.

33. Moreover, in terms of Section 34 of PDEA it is mandatory to provide accessible format methods of communication in educational programmes or similar platforms which

cover public information of national significance, ensuring that the sign language and other accessible format methods are provided for at the public events. In line with this, sign language interpretation is provided for on national news programmes and some of public events. Furthermore, the engagement of sign language interpreters and justice intermediaries is engaged by the courts to augment communication needs.

34. In relation to access to communication, the Communications Act 2012 provides for universal communication services throughout the country. However, it is silent on the modalities of access of such by PWDs.

35. Social Development with support from Clinton Health Access Initiative and UNICEF conducted the country's Assistive Technology Capacity Assessment in 2022 which evaluated a country's capacity to finance, regulate, procure and provide assistive technology. Pursuant to this report, the National and Rehabilitation Policy 2011 was reviewed. A new policy that will provide clear guidelines on the assistive technology landscape is being developed. The assessment also resulted in the development of the Lesotho Assistive Technology Product List that is meant to raise awareness on common devices and attract funding.

36. In addition, the Disability mainstreaming plan 2021/2025 has been developed to coordinate disability mainstreaming in Government with the effect to ease equitable access of public services by PWDs. However, the plan is not yet implemented due to financial and technical constraints.

37. Moreover, the Disability Advisory Council (the Council) as established by section 4 of the PDEA is expected to develop the standards and guidelines on accessibility to which all public and private stakeholders should adhere to. The Council should ensure adherence by issuing an adjustment order for non-compliance. The challenge is that the Council is not yet operational as the secretariat is yet to be employed. There is currently no national standards and guidelines for accessibility but through the Assistive Technology Capacity Assessment of 2022 mentioned above, an audit has been done to serve as a baseline.

38. Although there is in place, the Procurement Regulations 2023, accessibility is not a requirement for procuring goods, services and amenities hence some services are still inaccessible.

39. The capacity assessment study of 2022 mentioned above has identified obstacles and barriers in relation to accessibility and it has recommended development of guidelines intended to eliminate ensuing gaps. The policy on disability and rehabilitation which is underway incorporates the guidelines on accessibility.

Article 10

Right to life

40. Section 5 of the Constitution provides for the right to life for everyone. In line with Sections 18 and 19 of the Constitution read with the ruling in the case of *Thabo Fuma v Commander Lesotho Defence Force* discussed article 5 above PWDs enjoy the right to life on an equal basis with others. In addition, the Penal Code 2010 Section 45 justifies termination of pregnancy where there is proof of medical certificate from a qualified medical practitioner that termination is necessary to avoid birth of a seriously physically or mentally handicapped child. This provision is vulnerable to abuse in that Lesotho does not have the tools to screen for disability at pregnancy. it does not prescribe the timeframe within which termination of pregnancy can be performed hence the life of a child can be infringed.

41. There is no law that permits the arbitrary deprivation of life of any person including people with disabilities. Moreover, there are no reports or evidence suggesting that in practice, people with disabilities are arbitrarily deprived of life. However, arbitrary deprivation of life of a child is likely to be construed if the Penal Code section mentioned above is not amended to remove the absurdity in the section.

Article 11

Situations of risk and humanitarian emergencies

42. Section 23 read with Section 18 and 19 of the Constitution provides for declaration of state of emergency through a gazette. In addition, Section 33 of PDEA provides that PWDs shall enjoy the right to equitable protection in situations of risk, whether natural, technological or anthropological in nature.

43. In 2020 during the Covid-19 pandemic the Government introduced education packages for remote learning for ease of access to educate PWDs. PWDs associations and special schools received personal protective equipment from the Government and other stakeholders. Also, with support from the World Bank, to promote inclusive hygiene in schools there was provision of accessible toilets and wash points. Further, there was provision of food packages for school going children including those with disabilities. However, comparatively children with disabilities benefited disproportionately as most of them are out of school. The Ministry of Health developed and distributed accessible formats of IEC material on covid-19.

44. The national response to humanitarian assistance is devices on a needs basis of those affected, and thus it would respond accordingly for persons with disabilities. Lesotho has done away with refugee camps as they are integrated in communities and Lesotho has not received refugees with disabilities. In Lesotho, national emergencies usually result from natural disasters that affect a small fraction in communities and alternative shelter is sought from within the same communities.

Article 12

Equal recognition before the law

45. Constitution in chapter II guarantees all persons including PWDs the enjoyment of human rights on an equal footing, including freedom from seizure of property in section 17; freedom from discrimination in section 18; equality before the law and equal protection of the law in section 19. In addition, PDEA enshrines substantive and procedural rights including the right to be competent and compellable witnesses (PWDs with mental disability) before the courts of law and the right to independent living. Thus, they have in law the right to hold and claim their said rights. Their legal capacity had been constrained, by law and cultural practices, in arrears of marriage, contracts, finances and property ownership (mental disability).

46. There has been new development regarding legal capacity before courts of law and PWDs can now defend their rights as illustrated in the case of *Koali Moshoeshoe v DPP*. However, these new developments need to be harmonised with other existing laws and be disseminated. Reference is made to article 5 above. The Constitution and other pieces of legislation, such as the Marriage Act, restricts the legal capacity to hold rights. The cases of *Koali* mentioned above enhanced the capacity to defend rights while that of *Fuma* has included disability as a prohibited ground for discrimination.

47. The Council established under the PDEA shall provide assistance for supported decision making by PWDs regarding their place of residence. Also, Disability and Equity Procedure Rules 2023 (the Rules) provide support for PWDs to exercise their rights in the courts of law. The challenge is that currently there are no robust support programs in relation to management of finances. The Council referred to above is to verify whether there has been supported decision-making as opposed to substituted decision-making. There is continual awareness about the Convention through the PDEA which is incorporated in various activities of Government and other stakeholders such as LNFOD.

Article 13

Access to justice

48. The Constitution provides for the right to fair trial by all in section 12 thereby guaranteeing access to justice throughout the legal process. Further Section 22 provides that rights are enforceable in the courts of law. Section 32 of PDEA permits people with mental disabilities the right to claim their rights before the courts. to give practical effect to the above legal provisions, the Rules provide for accommodations of PWDs in order for them to participate as witnesses effectively in courts. These rules have not yielded much to be recorded as institutions such as the Legal Aid Unit are not yet capacitated to implement the Rules (Rule 20).

49. At the preliminary stages of criminal justice, LMPS established the Disability Unit in January 2023. The Unit has enhanced the capacity of police officials to eliminate disability barriers in police service. In addition, it is still central hence it has not yielded much results relating to the capacity of LMPS country wide-wide. In addition, LNFOD and ICJ supported the Government with the training of 30 members of judicial officers, judges' clerks and prosecutors and on inclusion of PWDs in 2017, 2021 and 2022. Consequent to these trainings, courts have begun to include PWDs through the use of accommodations. Rule 2 (a) states the purpose of the Rules as to ensure effective access to judicial processes for PWDs on equal basis with others through the provision of procedural and age-appropriate accommodations which facilitate effective participation directly or indirectly as accused persons, litigants and witnesses.

Article 14

Liberty and security of the person

50. The Constitution guarantees rights and freedoms for every person. Section 6 provides for liberty and security of persons. Read with Sections 18 and 19 this provision applies without discrimination to PWDs. Further, Section 6 (h) permits a person of unsound mind to be detained for the purpose of treatment or protection from the community. This provision is given effect by section 172 of the CP and E which permits a special verdict of guilty on the accused due to insanity, and his committal to a health institution pending the King's pleasure.

51. The special verdict in this law is discriminatory on persons with mental disabilities as they are convicted despite the absence of the necessary elements of criminal intent or negligence. Another challenge emanates from the fact that they are institutionalised for unspecified time and there are no administrative arrangements in place to facilitate the King's pleasure. These challenges together amount to arbitrary detention in practice of persons with mental disabilities.

52. The Government has adopted a new piece of legislation in an attempt to repeal all prior legislations that allowed the deprivation of liberty of PWDs. The PDEA gives all PWDs the right to live independently which in practice abolishes forced institutionalisation of PWDs. The Act further stipulates the right of PWDs to choose the residential care facility of their choice. This provision applies to institutionalisation that is not effected through court processes.

53. Currently the Government follows the generic procedures that apply to all persons deprived of their liberty. However, with the implementation of the Rule 19 of the Rules there are measures that provide reasonable accommodation for PWDs that are incarcerated or committed. The Rules empower a judicial officer when committing a PWD to custody to ensure that reasonable accommodation is available.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

54. In line with section Medicines and Medical Devices Control Authority Act 2023 persons who desire to carry out experiments or medical trials make application to the Medical Board. Upon approval, persons on whom the clinical trials are to be performed should be given the details of the trials and should give consent. In the case of minors, consent is given by their parents or guardians. The law does not provide that details of the trials be given in accessible formats, therefore PWDs are not able to give their informed consent to the clinical trials. Also, where consent is given on behalf of a minor with disabilities, the practice is that the principle of the best interest of the child is not observed. This disproportionately renders them vulnerable in medical trials.

55. The Constitution provides for freedom from torture, cruel and inhuman or degrading treatment or punishment in Section 8, there is no law that defines torture. However, elements of torture are criminalised in laws such as the Penal Code 2010 and Criminal Procedure and Evidence Act 1981, amongst others. In addition, Code of Professional Conduct for Nurses and Midwives 2013 mandates nurses and midwives to protect patients' human rights and should not subject patients to any torture, cruelty or other inhuman or degrading treatment. National measures and strategies to prevent torture in general and for PWDs are weak and fragmented hence the institutionalisation that amounts to torture, cruel and inhuman or degrading treatment or punishment for persons with mental disabilities as discussed in article 14 above.

Article 16

Freedom from exploitation, violence and abuse

56. The Constitution stipulates freedom from forced labour, slavery and exploitation. The CPWA Section 15 provides that a child has a right to be protected from exploitative labour as provided for under 226 and other international instruments on child labour. Further, Education Act 2010 Section 2 The interpretation section of Act interprets a 'special school' as a school in which learners who may require education different from that offered in schools receive special education. This is by no doubt the learners described under section 4 (2)(b). This means that the stakeholders mentioned under the Act are not enjoined to take measures to ensure that the schools accommodate learners with disabilities through provisions of reasonable accommodation measures.

57. Furthermore, section 4 deals with the administration of the Act and provides that the Minister, Principal Secretary, Teaching Service Commission, proprietors of schools, teachers and school boards shall promote the education of people in Lesotho and in particular – ensure, as soon as circumstances permit, that a learner who is physically, mentally, or otherwise handicapped is given the special treatment, education and care required by his or her condition. This section clearly builds from the preceding subsection (a) which provides that these stakeholders shall ensure that a learner is provided with opportunities and facilities to enable him or her to develop physically, mentally, morally, spiritually and socially in a healthy, normal manner and in the conditions of freedom and dignity. This implies that once a learner has a disability, they can only be supported through special education.

58. Section 6 (3)(c) of the Act provides for compulsory attendance. Section 6(2) provides that the learner shall attend school upon which he or she is enrolled every day but however justifies absenteeism on the grounds of disability under Section 6(3)(c). This means that under this section, a parent can validly state that the learner is absent from school because he or she is suffering from a disability or disease which prevents him or her from attending school. This Act, as specific to education in Lesotho, should ideally serve as the basis upon which all other laws and policies emanate which should align with the social model of disabilities.

Challenges

59. Sexual Offences Act 2003 in section 15 makes it a criminal offence to commit sexual violence against PWDs. The challenge is that this section adopts a protectionist approach as it assumes that all PWDs cannot voluntarily engage in consensual sexual acts. In addition, Counter-domestic Violence Act 2022 under the interpretation section provides sexual abuse in marriage, relationship or otherwise means to engage in sexual act with a victim who is affected by physical disability, mental incapacity, sensory disability, intellectual disability whether permanent or temporary to the extent that the victim is incapable of understanding the nature of the sexual act or deprived of the opportunity to consent to sexual act. Although it protects persons with severe disabilities from sexual violence in marriages, it can also be construed as though their disability incapacitates them to give consent.

60. Labour Act 2024 section 7 prohibits forced labour, harassment and gender-based violence in the workplace and section 6 prohibits unfair discrimination based on disabilities, amongst others. Also, the Act shall be interpreted or applied in a way which is not in conflict with the provisions of an International Labour Convention to which Lesotho is a State Party. Further, Lesotho ratified the Violence and Harassment Convention 2019 (no.190) which recognises the right of everyone to a world of work free from violence, harassment including gender-based violence.

61. Inclusive Education Policy 2018 provides for inclusion of children with disabilities in schools which means placement of them in schools saves them from abuse, exploitation and harassment from homes and communities.

62. PDEA Section 6 empowers the Disability Advisory Council to monitor implementation of the Act and investigate issues of human rights violations including exploitation, violence and abuse, amongst others. In addition, the Child and Gender Protection Unit (CGPU) and the Disability Unit within the LMPS deal with cases involving GBV and child abuse issues which include those concerning PWDs. There is a need to facilitate coordination in the two Units for meaningful inclusion PWDs accessing services of LMPS. In line with section 44 of PDEA the Government offers the following grants given to PWDs to mitigate disability related costs: disability grant (\$33 per month) given to adults with severe disabilities; care-dependency grant (\$33 per month each) given to parents or caregivers of children with disabilities; and grant in aid (\$8 per month) given to persons with severe disabilities who need assistance with self-care.

63. Furthermore, within Social Development there is a Disability Services Unit that is mandated with the development of policies, strategies and other interventions in the protection and promotion of the rights of PWDs. It also coordinates mainstreaming of disability within the line Ministries. Pursuant to this mandate, this Unit has amongst others developed National Rehabilitation and Disability Policy 2011 which is under review; Social Development Policy 2014, Disability Mainstreaming Plan 2021/25 and PDEA which introduced disability grants. Social Protection Strategy II 2021–2031 takes a life cycle approach to the design, implementation, monitoring and evaluation of social protection interventions. The PDEA has established the Disability Advisory Council under its section 6 to be responsible for monitoring the implementation and ensuring compliance of the Act.

64. The Department of Gender has established the Lapeng Care Centre in 20... for the survivors of gender-based violence to provide temporary shelter and relief. The Centre provides psycho-social and economic support for survivors. Initially, it did not accommodate survivors of GBV with disabilities, this position changed with the sensitisation and support from LNFOD under gender and disability in practice project phase I. As a result, two women with speech and hearing disabilities were accommodated. Further, the Centre has since engaged the sign language interpreters' interns to accommodate deaf survivors. In addition, the Department of Gender developed an application called NOKANENG APP in 2019 to provide comprehensive information on GBV prevention and response which includes referrals. Although this is a great stride for victims of gender-based violence, it does not directly target PWDs.

65. In terms of the PDEA and the Rules PWDs who are survivors of violence are now able to access the courts to seek redress. However, the criminal justice system does not provide for recovery measures. The Gender and Development Policy 2018/2030

acknowledges that PWDs are more vulnerable to gender-based violence and need robust measures of protection. However, it does not illustrate measures for their protection either in priority areas or strategies. Reference is made to the response above.

66. Violence and exploitation are identified as criminal offences hence investigated and prosecuted. The Penal Code 2010 in section 52(2)(f) states that it is an unlawful sexual act if a complainant is affected by disability, mental incapacity, sensory disability, medical disability, intellectual disability or other disability whether permanent or temporary. Also, the Sexual Offences Act 2003 sections 30 and 31 state that any sexual activity with a person with a mental disability shall be an offence. Further, the Counter-Domestic Violence Act protects persons with severe disabilities from sexual violence in marriages. Furthermore, with the introduction of the PDEA and Rules, investigation and prosecution of gender-based violence cases has been possible through provision of right to access to justice and provision of accommodations which are gender responsive and age appropriate.

Article 17

Protecting the integrity of the person

67. Code of Conduct for Nurses and Midwives 2013 provides that every nurse, midwife and nursing assistant must respect human rights, values, custom and spiritual beliefs of the individual, family and community and not discriminate patients in their care based on religion, gender and disability amongst others. They should further obtain consent before giving any medical care and treatment.

68. In practice, medical practitioners hardly communicate information on medical treatment and procedures involved when attending to patients. For example, people are subjected to HIV testing as a precondition to accessing medical services. For PWDs the situation is complicated by the fact that medical practitioners and personnel generally lack capacity to communicate effectively, making it harder to give free and informed consent. This predicament also applies in cases where consent to medical treatment is given by parents or guardians on behalf of PWDs. This is because such consent is given without prior consent of PWDs as they are regarded as minors.

69. Reference is made to the response above. There are no measures taken to protect against forced sterilization and abortion. Sterilization is more evident in women and girls with disabilities than men and boys with disabilities. In addition, there are various organisations of persons with disabilities (OPDS) existent in the country and the umbrella body (LNFOD). These organisations carry out advocacy for the implementation of the right to integrity and build capacity of different stakeholders on disability inclusion. As mentioned above, PDEA establishes the Disability Advisory Council whose role is to monitor implementation of the rights of PWDs, investigate issues relating to human rights violations and make necessary referrals.

70. In addition, the Office of the Ombudsman is established under Section 134 of the Constitution. It is empowered to investigate human rights violations emanating from maladministration by government entities including institutions that offer health services. As part of the monitoring role the office has released a report in 2023 Ombudsman's Special Report of Mohlomi Mental Hospital. The Report reveals, amongst others, that there is a lack of specialist medical officers (psychiatrists).

Article 18

Liberty of movement and nationality

71. The Constitution in section 18 prohibits all laws from having any provisions that are discriminatory, this includes within it any discrimination based on disability. The CPWA states in Section 6 that "a child shall not be discriminated against on the grounds of disability." The Act further states in section 8 that "all children have a right to be registered within three months of birth whether born alive or still-born" and this includes children with disabilities. In addition, Lesotho Passport and National Travel Documents Act 2018 provides in

Section 7 (2) and (6) that a passport is issued to any person who is a citizen of Lesotho and a refugee resident in Lesotho.

72. The Government in 2012 established the National Identity and Civil Registry (NICR) offices in all the 10 districts. This office is responsible for issuance of birth certificates and national identity documents which are a prerequisite for obtaining a travel document (passport). In addition, this office is connected to all government hospitals and clinics to facilitate speedy registration of new-born babies in an attempt to reach all Basotho for purposes of registration. Also, the NRIC is decentralised to offices of area chief and community councils for ease of access by everyone including PWDs. To enhance inclusion of PWDs, NRIC engaged sign language interpreters and guides in 2021.

73. In accordance with the Bureau of Statistics vital statistics report- Births and Deaths 2022, a total of 30,493 births were registered in 2021 showing an improvement from 9,463 births in 2017 this includes children with disabilities. Further, in 2021 the Government enacted the PDEA which further outlines the rights of persons with disabilities within the country including the protection of the Right of persons with disability to a barrier free and disability friendly environment including but not limited to buildings and roads and other social amenities.

74. The challenge is that, despite the strides above, Citizenship Order 1971 section 9 (1) (c) provides that only a person who is not suffering from mental incapacity can apply for citizenship. In this regard, persons with mental disabilities are restricted in the enjoyment of the right to citizenship and freedom of movement outside the country. In addition to the response above, CPWA in section 7 mandates registration of all new-born children without discrimination.

Article 19

Living independently and being included in the community

75. The Constitution in section 33 provides that the Government shall design policies intended for training, rehabilitation and social resettlement of PWDs. Further, the PDEA in section 19 (1) provides for a person with disability to, with the assistance of the Council, decide his place of residence and with whom he will live with. Also, in section 36 it provides for a person with disability to reside at the residential care facility of his preference and be able to have a personal assistant for support.

76. The Office of the Ombudsman in collaboration with Habitat for Humanity established the Vulnerable Group Housing Program. It is aimed at improving the living conditions of orphans and vulnerable children, the elderly and people with disabilities through shelter, ensuring their stability, independence and safety. The Project started operating in Lesotho in 2001 they have served more than 3000 households. The homes include safe sanitation facilities. There is also advocacy for security of land tenure and initiation of ownership processes for vulnerable households to ensure they legally own the land before the homes are built.

77. To enable PWDs to live independently in their communities, the Government established the orthopaedic services which is intended to assist PWDs with assistive devices. Additionally, the Government has a 5-year program called Pathways and Sustainable Livelihood Project (PSLP) which started in 2022 with a budget of \$2m intended to benefit 2500 PWDs with assistive technologies/devices. 70% of the beneficiaries are children to assist them to enrol in schools and 30% are adults to participate effectively in the livelihood project.

78. As discussed in art 16 above, the Government provides the following grants: disability grant of \$33 per month, care dependency grants of \$33 per month and grant in aid of \$8 per month. These grants are intended to mitigate daily disability related costs and hence empowers PWDs to live independently. Further, Social Development offers subvention to OPDs and rehabilitation centres. These institutions offer rehabilitation of PWDs to enable them to live independently. In addition, Social Development operates a vocational training institution where PWDs are equipped with different skills. The challenge is that the institution

is not registered with the Ministry of Education and Training hence their certificates are hardly recognised in the labour market.

79. To complement efforts of the Government above, LNFOD runs programs under which women with disabilities are economically empowered through trainings on business management and provision of capital to start up income generating activities. As a way of empowering people with disabilities to live independently there are a number of programs that have been established to economically empower them to live independently without the assistance from the government in a form of grants. The focus was mainly on women with disabilities as studies have shown that persons with disabilities especially women suffer a lot of exclusion from the economic opportunities regardless of their qualifications.

80. The Government does not have any disability specific residential services however, there are privately owned residential services that accommodate children with disabilities. The Government has developed standards of care guidelines for the monitoring of residential care facilities so as to ensure compliance with Section 35 of PDEA. The Government also provides the care facilities with financial support in the form of subventions in the amount of \$10 per month per child.

81. Buildings Control Act 1995 as discussed in article 9 above provides for construction of buildings that are accessible to PWDs. In addition, Section 26 of the PDEA provides that a person with disability is entitled to a barrier free and disability friendly services to enable a person to have access to buildings, roads and other social amenities.

82. Guided by the above laws, the Government with support from Millennium Challenge Account (MCA) built health clinics in the communities and community councils, country wide, that are physically accessible to PWDs. In addition, the NRIC office which is responsible for issuance of birth certificates and national identity documents was decentralised to offices of area chiefs and community councils for ease of access by everyone including PWDs. To enhance inclusion of PWDs, NRIC engaged sign language interpreters and guides in 2021.

83. Further, the Ministry of Public Works and Transport, Roads Directorate and Maseru City Council and Urban Councils are designated to construct roads including those in communities. These roads are to a certain degree accessible with signage, pavements, ramps, traffic lights, foot bridges and zebra crossings. The challenge is that such efforts do not fully respond to the needs of PWDs, for example, traffic lights do not have audio prompts; road signs are habitually and illegally removed and there are no bus stops accessible to PWDs which are proximate to services.

84. Furthermore, in 2019 the Ministry of Health employed 5000 village health workers to serve communities in the 10 districts. Their mandate is to decentralise health services to the communities through the provision of home-based health care ensuring all people including PWDs can access health services. There is also a Flying Doctors Services supported by Mission Aviation Fellowship to serve hard-to-reach remote areas.

Article 20

Personal mobility

85. Through PSLP assistive technologies are provided to PWDs free of charge who are categorised as poor and ultra-poor by National Information System for Social Assistance (NISSA) and self-targeting applicants. Reference is made to article 19. Also, pursuant to Lesotho Assistive Technology Capacity Assessment there is an assistive technology product list that informs the Government and PWDs with specific technologies available for particular disabilities.

86. In addition, the Ministry of Health through amongst others orthopaedic, occupational therapy, physiotherapy, audiologist, optometrist offer training on the use, maintenance and care of assistive technologies upon issuance. There is a challenge of some 'good Samaritan's' offering assistive technologies to PWDs without specialist assessment. Further, the Government owned orthopaedic workshop is currently not operational.

87. To enhance the national capacity in provision of rehabilitation and orthopaedic services, the department of Social Development facilitated external training for six organisations of PWDs representatives, twelve orthopaedic technicians and rehabilitation officers for wheelchair assembling and maintenance. Also, the Government offers subvention support to Mohloli oa Bophelo which is a rehabilitation centre for the visually disabled persons. The centre builds capacity of the visually disabled persons on mobility. Lastly, the assistive technologies guidelines which are being developed will address the challenge of assistive technologies that are offered without specialist expertise.

Article 21

Freedom of expression and opinion, and access to information

88. The Constitution section 14 provides for freedom of expression in that every person is entitled to express their opinion and freedom to receive information without interference. In line with the above, the PDEA has a provision to the effect that a person who is responsible for hosting a public event or gathering, news broadcast, educational program or similar platform which cover public information of national significance, shall ensure that sign language and other accessible format methods are provided for purposes of public information dissemination, in section 34. Failure to comply with this attracts a penalty of fine not exceeding \$1111 or 15 years or both.

89. Lesotho has also ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or otherwise Print Disabled. This treaty permits as an exception the reproduction of published material in accessible formats. The Office of the Registrar General in collaboration with the Lesotho National League for the Visually Impaired Persons (LNVIP) with support from World Intellectual Property Organization (WIPO) in 2021 translated Sesotho and English textbooks for grades 1–12 in four accessible formats being braille, large print, human reader and digital. Sixty copies were produced for each format and distributed to four inclusive schools.

90. In addition to the above, the Ministry of Education and Training has availed an embosser at the State Library for access by visually impaired persons who use the library. The service extends to other persons upon request at a cost. Further, the Ministry of Justice and Law through the Human Rights Unit translated the Human Rights Commission Act 2016 and the Universal Declaration of Human Rights (UDHR) in braille and distributes them during the outreaches, workshops and meetings.

91. Furthermore, in realisation of section 34 of PDEA, sign language interpretation is now available in public speeches, official public events and news programmes. Also, the PDEA in section 34 mandates all public information to be disseminated in accessible format methods. The current operational budget of Social Development has provided for dissemination of the PDEA and there is need for robust dissemination strategy. In Government websites are accessible by default to persons with physical disabilities only. In the absence of deliberate measures for accessibility, persons with other forms of disability are not able to have access to information from such websites. With regard to mass media, the Lesotho National Broadcasting Services (LNBS) has made efforts to enhance accessibility of its programs through engagement of sign language interpreters in its news programs and broadcast of national events.

Article 22

Respect for privacy

92. The Constitution provides for the right to respect for private and family life under section 11 without discrimination on the grounds of disability. Reference is made to the case of Fuma mentioned in Article 5 above. In implementation of the Constitution, PDEA Sections 20 and 21 provide the rights of persons with disabilities. It stipulates that the Minister shall take necessary steps to achieve the full realisation of the rights of PWDs and have the right to live independently. Under Section 21 the Council is empowered to monitor the implementation of this right to avoid its abuse.

93. Code of Professional Conduct for Nurses and Midwives 2013 mandates nurses, midwives and nurse assistants to treat information obtained in professional capacity as confidential. However, in practice the challenge is that PWDs who are in need of health services have their right to privacy in health compromised due to the fact that they rely on personal assistants (sign language interpreters) for communication. This is worsened by the fact that there are no codes of ethics for interpreters in general.

94. The Ministry of Education and Training (Special Education Unit) in collaboration with LNFOD in their strides to promote inclusive education in communities discourage concealment of children with disabilities. Also, the department of Social Development carries out awareness campaigns in the 10 districts through the auxiliary social workers in communities to identify and link PWDs with relevant services. In addition, District and Community Child Protection Teams have been established with the mandate to safeguard the rights and welfare of children including those with disabilities.

95. To complement the above Government efforts, LNFOD through its gender and disability in practice project phase 1 and 2 is committed to promote inclusion of PWDs in communities through economic empowerment projects, capacity building on disability and disability rights including self-advocacy and gender-based violence. Despite these efforts, their participation and inclusion is limited by a myriad of disability related barriers. These include; attitudinal, environmental, structural and economic barriers amongst others.

Article 23

Respect for home and the family

96. The Constitution Section 11 provides the right to respect for private, family life and home. The PDEA section 21 builds on the constitutional provision by recognising that PWDs have the right to choose with whom to reside. Despite these provisions, persons with mental disabilities are expressly restricted from exercising the right to marry by some pieces of legislations. For example, Marriage Act 1974 in section 29 (2) prohibits persons with mental disability from entering into marriages despite the severity of mental disability.

97. Where the law does not expressly prohibit marriage with persons with different disabilities, in practice, gender and disability stereotypes often stigmatise such marriages. This practice disproportionately affects women with disabilities as opposed to their male counterparts. Section 21 of PDEA provides for the right to live independently. This right implies the right to choose whether or not to find a family which extends to the right to seek SRH services, adoption or fostering services. By implication, however, this provision does not apply to adolescents.

98. Moreover, Section 25(d) to (f) of PDEA provides for measures be taken to enable PWDs to access services such as medical services (including family planning) in a non-discriminatory manner. Despite the above legal provisions, owing to the existence of disability related barriers where the SRH services, adoption and adoption are offered, it is comparatively harder for PWDs to exercise this right in practice. Deliberate measures are yet to be taken to support parents with disabilities in their child-rearing responsibilities including through harmonisation of CPWA (best interest of the child principle) with PDEA and UNCRPD. Due to lack of harmonisation of these laws, in practice in pursuit to apply what is in the best interest of the child, such children are taken away from their parents with disabilities with the view to protect them and to ensure their proper upbringing.

99. The Constitution permits a child to grow up in a family setting, however the best interest of the child is taken into account when taking any decisions in this regard. CPWA Amendment Bill 2024 enshrines family preservation principle that families should be capacitated to raise children. Measures will need to be taken to include families of PWDs in the implementation of this Bill. In terms of section 55 of the CPWA 2011 adoption is open to all persons, further priority is given to members of the family that are already fostering such children. Institutionalisation in children's homes is taken as a last resort where no family member can foster or adopt the child, including children with disabilities.

Article 24

Education

100. The Constitution provides in Section 28 that Lesotho shall endeavour to make education available to all and shall adopt policies aimed at securing that education is compulsory and available to all. In line with the Constitution, the Education Act 2010 as amended is the primary legislation which provides for free and compulsory education at primary level for all. However, in terms of this law it is a defence to absent a child from school by reason of disability. This in effect renders basic education not compulsory with respect to persons with disability.

101. PDEA in Section 23(2) provides that a custodian, parent or guardian of a child with disability is prohibited from refusing to have a child enrolled in school. This law further provides a sanction for failure to comply with this section. The conflict between this law and Education Act causes practical challenges for children with disabilities to enjoy compulsory primary education hence the need for harmonisation.

102. The Early Childhood Care and Development (ECCD) teachers are trained on early identification of disabilities and on inclusive teaching methods to cater for children with disabilities under the auspices of ECCD Policy 1999. In addition, there is a Free Primary Education Policy 2000 which introduced free primary education in phases. Free primary education was made compulsory through the Education Act 2010 mentioned above.

103. The Ministry of Education has also developed guidelines for education of learners with intellectual disabilities in 2022, this includes an Individualised Education Programme (IEP) to address the needs of children with disabilities. There is also a picture exchange programme for students with disabilities which is part of IEP. Parents and teachers have been trained on the use of this teaching method. There is also Inclusive Education Policy 2018 which works as a guide on how to implement inclusive education for children with disabilities in schools at all levels. Implementation of this Policy is coordinated by the Special Education Unit which has been decentralised to all the 10 districts. There is a strategic plan 2016/2026 Education Sector Plan (ESP).

104. To ensure continued education post primary, Social Development in collaboration with MOET makes provision of bursaries to enable access to education by learners with disabilities. In addition, the Teaching Service Department (TSD) has also been sensitised and lobbied on its roles under Inclusive Education Policy and as a result preparations are underway for the hiring of assistive personnel such as sign language interpreters, scribes and many more.

105. Lesotho College of Education (LCE) with the support of the MOET has developed guidelines for teachers. National Manpower Development Secretariat (NMDS) through the National Manpower Development Council Act 1978 (Loan Bursaries) provides bursary to students enrolled at tertiary learning institutions.

106. PDEA in Section 23(2) provides that a custodian, parent or guardian of a child with disability is prohibited from refusing to have a child enrolled in school. This law further provides a sanction for failure to comply with this section. In practice, socialisation of boys and girls differs whereas gender roles and expectations for girls with disabilities reinforce their minority status as compared to boys thereby limiting their inclusion prospects in almost all areas of life hence the results. Moreover, through PSLP above the Government has undertaken a project to provide assistive technologies to 1750 children with disabilities for ease of access to education.

107. The Office of the Registrar General in collaboration with LNLVIP has translated Sesotho and English textbooks for grades 1–12 in four accessible formats as mentioned in Article 21 above. The Government also has brailled learning books under different subjects for the inclusion of students with disabilities. Further, MOET with support from UNICEF and other stakeholders such as Vodacom Lesotho have purchased assistive device technologies for 18 schools (including special and inclusive schools), these include smart boards, tablets, talking scientific calculators. Teachers and students have been trained on the

use of this material. MOET has acquired an embosser at the State Library for the purpose of assisting tertiary students that are visually impaired for free and others at a cost.

108. The skills are provided by Teachers Training Institutions and the Special Education Unit offer in-service trainings for teachers on skills through workshops. Technical and Vocational Education and Training (TVET) schools have also been established to provide different vocational skills to students with disabilities. E.g Itjareng and St Marys Vocational School. In addition, there are rehabilitation centres which also provide skills training such as Mohloli oa Bophelo and Ithuseng Vocational and Rehabilitation Centre amongst others.

109. The Government through the National Curriculum Development Centre (NCDC) has developed a language policy to allow students to learn in a language they better understand. There is also availability of sign language interpreters in schools that cater for deaf learners/learners with hearing impairment. The Ministry has also recruited a sign language interpreter based in the Special Education Unit to ensure access to services at the Ministry for people with hearing impairment. Further, members of the community have access to information during official public gatherings through the services of a sign language interpreter. Furthermore, the LNBS provides sign language interpretations during news broadcasts, broadcasting of official events and official speeches.

110. There is a child friendly school initiative that promotes inclusive education as mentioned above in Article. There are disability inclusive education school clubs which have been established by LNFOD in partnership with MOET. Their aim is to promote inclusive education in primary and secondary schools through increasing enrolment and effective participation of learners with disabilities in mainstream schools.

111. The Government also organised a symposium to discuss all issues affecting the education system and to identify the gaps and issues of children with disabilities. Parents of children with disabilities raised their concerns that their children do not receive quality education. This was a strategy to include voices of parents of learners with disabilities in shaping up the national initiatives on inclusive education.

112. The Lesotho College of Education and the National University of Lesotho through the Faculty of Education offer modules on special education for teachers in training. Training for teacher's in-service is provided by the SEU in collaboration with Civil Society Organizations such as LNFOD and Network of Early Development of Lesotho (NECDOL). In addition to the above measures, the Government hired and placed teachers with disabilities in schools. Teachers with visual impairment have been provided with teacher assistant.

113. The Examination Council of Lesotho permits schools to allow learners with disabilities extra time in the examinations and to use braille and large print. Also, some of the inclusive schools have classrooms with ramps to enable access for learners with disabilities. The Early Childhood Care and Development (ECCD) teachers are trained on early identification of disabilities and the referral mechanism. They are also trained on inclusive teaching methods to cater for children with disabilities under the auspices of ECCD Policy 1999.

Article 25

Health

114. The Constitution and other legal frameworks on the right to health provide for the right to quality health services including SRHR for all. These include, amongst others; Adolescent Health Policy 2006, National Health Policy 2017, SRHR Policy 2018, National Disability Mainstreaming Plan 2021–2025, National Minimum Standards and Implementation Guide for Adolescent Friendly Services which have also been translated into braille.

115. In addition, the Ministry of Health developed a Village Health Policy which is intended to bridge the gap between the communities and the health facilities. As a result, there are community health workers and peer educators to link members of the community with the health facilities. Additionally, the Ministry, in collaboration with CAGes, supports members of the communities by collecting medication for all community members with

chronic diseases. Further, the Ministry in collaboration with Flying Doctors and MAF provide health services in hard-to-reach areas. These initiatives also benefit PWDs. Also, the department of Social Development exempts PWDs who are poor and ultra-poor from medical charges at public health facilities.

116. In 2022 the Spoon Foundation with support of UNICEF in collaboration with the Ministry of Health and LNFOD, with the intention to screen and detect disability early in Lesotho, introduced a Count-Me-In application. It is a checklist tool used by health service providers at health facilities and at IECCD for early identification of disabilities and linking children with disabilities with the relevant intervention services. This tool has been piloted in the two districts being Maseru and Mokhotlong in all health facilities. Also, there are Antenatal Care Guidelines on detection and prevention of disabilities. For example, there are pregnancy care packages to prevent foetal abnormalities. Ultrasound scans are also done at the first and last trimesters to detect abnormalities.

117. Social Development and Health conduct robust awareness campaigns on dementia through various media houses and public gatherings to eliminate harmful practices emanating from stereotypical beliefs attached to dementia. As a result, communities are now more aware of dementia and instead of attacking such people call for support. Additionally, the Ministry of Health in collaboration with the Ministry of Education has a unit of Health Information on health promotion issues at all levels of primary health care. The Ministry of Health has also trained Guides and interpreters on SRH and GBV issues to enable PWDs to have access to health information. 42 participants were trained.

118. Codes of Professional Conduct for Nurses and Midwives 2013 mandates nurses and midwives to obtain consent before giving medical care and treatment. In practice, medical practitioners hardly communicate information on medical treatment and procedures involved when attending to patients. For example, people are subjected to HIV testing as a precondition to accessing medical services. For PWDs the situation is complicated by the fact that medical practitioners and personnel generally lack capacity to communicate effectively, making it harder to give free and informed consent. This predicament also applies in cases where consent to medical treatment is given by parents or guardians on behalf of PWDs. This is because such consent is given without prior consent of PWDs as they are regarded as minors. In addition, there is subsidised costs for health services for referral to tertiary health institutions. There is also a medical exam for vulnerable groups including PWDs by the Ministry of Social Development.

119. The Buildings Control Act 1995 as discussed above in Article 9 mandates that buildings be accessible. Additionally, PDEA in terms of section 26 read with sections 27 and 42 provides that a person with a disability is entitled to a barrier free and disability friendly environment to enable the person to have access to buildings amongst others. As a result of these laws, deliberate measures were taken to make sanitation facilities at community health centres and community councils to be accessible to PWDs. Moreover, sanitation facilities at public places such as leisure and hospitality, malls and others are accessible. However, sanitation facilities at some places where services are provided to the public are still inaccessible to PWDs.

120. The Government with partners continues to hold country wide awareness campaigns on HIV/AIDS. These are in the form of frequent media campaigns, public gatherings, centre-based awareness (health facilities, schools, churches, community councils and other points of service). IEC material in accessible formats such as local language, pictorial, audios, are developed and distributed. The Government also established the National AIDS Commission in 2005 to coordinate society wide anti-AIDS activities. Additionally, the Ministry of Health in collaboration with the Ministry of Education has a unit of Health Information on health promotion issues at all levels of primary health care.

Article 26

Habilitation and rehabilitation

121. The PDEA makes emphasis on the right to employment under section 22, by prohibiting discrimination of PWDs in issues of employment. On the other hand, the National

Disability and Rehabilitation Policy 2011 creates an enabling environment for PWDs living and working in Lesotho to realise their full potential. It does this through the removal of barriers and changing the attitudes which prevent PWDs from gaining access to employment. Additionally, in an effort to implement the right to employment, the department of Social Development adopted Community Based Rehabilitation (CBR) as the main strategy for addressing disability issues amongst PWDs. To this end, with the support of Norweargen Association of the Disabled (NAD) community structures called resource teams for habilitation and rehabilitation were formed which were intended for identification of disabilities and to provide appropriate interventions using the locally available resources. Moreover, IVRC was established in the district of Maseru as a means to enhance habilitation and rehabilitation for PWDs through provision of vocational training and skills as well as to foster employability of PWDs.

122. The department of Social Development provides subvention to 12 institutions (7 rehabilitation centres and 5 OPDs) that provide habitation and rehabilitation to PWDs. Further, within the Community Development Unit in the districts establishes income generating activities continually for PWDs. Also, the PDEA provides for the right to education under section 23 making it mandatory for learners with disabilities not to be excluded from learning institutions solely on the basis of disability. The Act further provides for the disability grant under section 44, for persons and children with disability that are in need of daily care and cannot be employed due to the severity of their disability.

123. As of 2022 it was recorded that there are 5 special schools (including one resource centre) and 18 inclusive schools operating in Lesotho. In 2018 the Government adopted the Inclusive Education Policy designed to ensure that children with disabilities are included in Lesotho's education system. The Lesotho Bureau of Statistics (BOS) education statistics report 2021 showed that 4.4% of learners enrolled in primary school for the 2019 had some form of disability.

124. Through PSLP provision of assistive devices for purposes of habilitation and rehabilitation has been made. Under this project there is a budget of \$2m to provide assistive technologies to 2500 beneficiaries of which 30% are adults and 70% are children to have access to learning facilities and for adults to participate in community projects and beyond the life of the project. With the support of CHAI as discussed earlier the Government conducted a study on availability and accessibility assistive devices which shall inform the Government's initiatives on habilitation and rehabilitation.

Article 27

Work and employment

125. The Constitution in section 29 provides that every person has an opportunity to work where he freely chooses or accepts. It further provides for equal pay for work of equal value. Read with sections 18 and 19, this applies without discrimination to PWDs. To give effect to the Constitution, section 6 of the Labour Act 2024 provides that discrimination on the basis of disability constitutes unfair discrimination in the workplace. In addition, Section 22 of PDEA provides that an employer shall not deny PWDs opportunities for suitable employment on the basis of disability including employment advertisement. It also states that PWDs shall be given the same terms and conditions of employment as other employees.

126. In terms of Codes of Good Practice of 2003 an employer is prohibited from dismissing an employee from work for the reason that the worker has sustained disability. Employers are mandated to negotiate with the employees regarding alternative work as illustrated in the case of *Thabo Fuma v. Commander LDF* as mentioned above. The Workmen's Compensation Act 1977 section 7 mandates employers to through health and safety measures prevent occupational injuries. It further provides an employee to be compensated for sustained disability at work.

127. Whereas PDEA is progressive on the right to work for PWDs through recognising provision of accommodations, the wording section 22 is not only ambiguous but also vulnerable to abuse in practice to the detriment of PWDs. Another setback is that these laws are hardly known by PWDs hence are not empowered to claim these rights. Decent Work

Programme 2018/2023 promotes decent work for all. Whereas the Laws mentioned above recognize the right to employment of PWDs on an equal basis with others, deliberate programs and policies targeting employment of PWDs are yet to be designed.

128. Moreover, Lesotho has ratified ILO Convention 190 on Harassment and Violence at Workplace which safeguards against harassment and all forms of violence at work. In line with this Convention, the Labour Act 2024 addresses issues relating to harassment at the workplace. To give effect to the Act, guidelines for the public service to address issues of violence and harassment are being developed. The challenge is that it is difficult for employees to report harassment and even worse for PWDs as the applicable laws are not disseminated which would encourage reporting.

129. Registration of companies or any other form of business and training centres are open to everyone without discrimination in terms of the law relating to establishment of such. The processes for establishment allows for remote registration which would be to the advantage of people with disabilities. Nonetheless, the absence of accessible formats of communication or documents makes it harder for PWDs to access registration services.

130. In practice, there is a gap in general employment between men and women whether in the formal or informal sector. Men with disabilities comparatively have more employment opportunities than their female counterparts. This is mainly attributed to socialisation between men and women, boys and girls and men and women with disabilities and boys and girls with disabilities. Examples include the fact that men with disabilities are more professionally qualified, they tend to obtain decent jobs. Tied to this is that gender expectations and roles of men as bread-winner's further advantages men with disabilities in the labour market. Even worse, the risk of gender-based violence that is imminent for women and girls with disabilities further limits their participation. This is verified by the Gender Analysis Report 2020 conducted by LNFOD. It further stipulates that Women and girls with disabilities are the most vulnerable among PWDs for the reasons mentioned above. Although the Gender and Development Policy 2018–2030 acknowledges that PWDs are prone to gender-based violence, it however omits to identify targeted strategies.

131. The Lesotho Government has ratified ILO Convention 151 on Public Relations in the Public Service. In implementation of this convention, The Constitution in Section 16 provides that every person shall be entitled to and not be hindered in his enjoyment to freedom to associate freely with other persons for amongst others economic and labour reasons. In Section 31, it further provides that appropriate steps in order to encourage formation of independent trade unions to protect workers' rights and interests and to promote sound labour relations and fair employment practices shall be taken.

132. In addition, the Labour Act 2024 in Section 205 provides that every person has a right to participate in forming, joining and lawfully participating in a trade union. On the basis of the above-mentioned laws PWDs are entitled to form, join and participate in trade unions. In terms of Codes of Good Practice of 2003 an employer is prohibited from dismissing an employee from work for the reason that the worker has sustained disability. Employers are mandated to negotiate with the employees regarding alternative work as illustrated in the case of *Thabo Fuma v. Commander LDF* as mentioned above. However, the challenge is with regard to Section 31 of Workmen's Compensation Act which legalises contracting out the entitlement to compensation from an employer by the employee for any further injury by accident in respect of an employee who has obtained compensation of permanent partial or permanent total. This amounts to unfair labour practice and discrimination. Sections 7 and 9 of the Labour Act 2024 further prohibit forced labour and unfair labour practice which includes unfair dismissal.

Article 28

Adequate standard of living and social protection

133. The Constitution makes provision for socio-economic rights under chapter III as principles of state policy which are subject to progressive realisation taking into account the country's available resources. However, deliberate measures are yet to be implemented targeting PWDs. The department of Social Development provides medical fee exemptions to

its beneficiaries who cannot afford to pay medical bills, this extends to PWDs. Also, it provides disability grants to cater for disability related costs. Additionally, there is provision of assistive technologies to poor and ultra-poor PWDs in districts upon request free of charge.

134. Due to the high costs of assistive technologies, the Government has limited capacity to meet the demands of PWDs, and grants are only limited to those with severe disabilities. PDEA provides that a person with severe disability is entitled to disability grant and grant in aid for a person who is regularly attended to. Children with severe disabilities are entitled to a care dependency. To address the disability related day-to-day costs, PWDs who do not qualify for a disability grant are placed in public assistance until such time when they can get employed.

135. The department of Social Development has initiatives that eradicate poverty among PWDs. For example, PLSP under which income generating programs are created for households of 200 of which of PWDs to build their resilience and for them to graduate from social assistance eventually. In addition, there is a Community Development Unit in all districts. This unit is responsible for establishing livelihood projects for groups of individuals including those of PWDs.

136. PDEA provides that a PWDs who attains the age of seventy shall be entitled to old pension unless the disability grant is greater than the old age pension. There is also the Old Age Pension Act 2005 for provision of old age pension which starts at the age of 70 and PWDs also benefit. In section 43 it further mandates the Minister of Finance to establish a Disability Public Fund to support implementation of disability programs under the Act. However, the fact that it is not yet established limits implementation of the initiatives under the Act. It is worth noting that the pending operationalization of the Disability Advisory Council is a limiting factor towards the achievement of the rights of PWDs. Whereas the Constitution provides for realisation of housing through policies and programs, such measures are yet to be implemented progressively. The Government has also recognised that there is a connection between poverty and disability. Through baseline studies such as living conditions among people with disabilities in Lesotho 2011 which influenced income generating projects by the department of Social Development.

Article 29

Participation in political and public life

137. The Constitution in section 20 enshrines the right to participate in public affairs directly or through freely chosen representatives. Also, to vote or stand for elections periodically. PDEA in section 30 provides for the right to vote and be voted for by PWDs and Section 31 provides that a polling station shall be made accessible and make provision of necessary assistive devices and services to facilitate exercise of the right to vote by PWDs.

138. In addition, the LSRC Act provides for representation of the clubs of PDWs in LSRC which is the decision-making body governing sports in the country. Independent Electoral Commission (IEC) in recognition of the need to facilitate voting by visually impaired persons devices the method to assist them with the voting process. It also encourages that physical accessibility be a priority in selection of voting stations. In addition, during preparations for general and local government elections IEC recognises participation of PWDs hence amongst CSOs that are awarded budget for LNFOD is included to ensure inclusive voter education.

139. The challenges are that the Constitution in sections 58 and 59 prohibits nomination or selection of mental disabilities into the office of the Prime Minister and Parliament. In addition, voting processes remain inaccessible to PWDs for example, consideration of physical accessibility is not considered in some electoral divisions. Also, the initiative taken to support effective voting by visually impaired persons compromises their confidentiality in voting.

140. People with disabilities being able to participate in political life has led to some people being able to stand for elections and hold office and perform all public functions at all levels and branches of Government on equal basis with others. For example, Lesotho now has a person with disability who was able to stand for elections in his constituency and was able to

win the elections for his constituency and became Member of Parliament for his party. Furthermore, he was appointed to be a Minister of Gender, Youth, Sports Culture and Social Development by the Head of State, His Majesty King Letsie III. The right to participate in public life of people with disabilities has led to legislation being enacted to ensure the right to freedom of association inclusive of persons with disabilities, notably by promoting the development of organizations of persons with disabilities, including protection against intimidation and harassment.

141. In addition, OPDs receive financial support from Social Development to strengthen their existence and administration. In the last fiscal year (2023/2024) the subvention was increased by 100% for each OPD. There is also the Australian Volunteer International (AVI) which has managed 10 highly skilled volunteers across six government and NGO partner organizations to support disability inclusion in Lesotho through the Australian-Government-funded volunteer program, now known as volunteers for International Development (AVID). For example, Seleso Primary School benefited through rehabilitation of the physical environment for learners with disabilities (construction of ramps)

Article 30

Participation in cultural life, recreation, leisure and sport

142. The PDEA in Section 29 makes a provision for accessibility of sports facilities or recreational facilities for PWDs. Failure to comply renders a person responsible liable on conviction to a fine or imprisonment or both under Section 29 (4). In addition, the Lesotho Sports and Recreation Act 2002 provides that the National Association of Sports Clubs of PWDs be a standing member of the Lesotho Sports and Recreational Committee (LSRC) which coordinates all sporting activities in the country. Additionally, Sports and Recreational Policy was adopted in 2021 to facilitate the inclusion of the clubs of persons with mental disabilities in sports.

143. Under the auspices of the law and policy National Association of Paralympics Committee of Lesotho (NAPCOL) was created as the umbrella for the sports clubs of PWDs in the country. NAPCOL is also a member of the International Paralympics Committee (IPC). PWDs participate in SADC and Commonwealth games. In terms of statistics, so far in Lesotho, there are only 50 athletes for now. The challenge is, however, that NAPCOL has a limited budget which in turn limits participation of PWDs clubs in sports nationally and internationally and also practically curbs its autonomy. There is a Copyright Order 1989 which protects intellectual property rights and encourages creativity and production by everyone without exclusion of the PWDs.

144. The PDEA in Section 29 makes a provision for accessibility of sports facilities or recreational facilities for PWDs. Failure to comply renders a person responsible liable on conviction to a fine or imprisonment or both under Section 29 (4). Despite this law, the facilities mentioned therein are not accessible to PWDs. The penal measures provided by the law have not been enforced. The Government has also ratified the Marrakesh Treaty and it is being implemented by various efforts of the Office of the Registrar General as discussed above.

145. The MOET through SEU annually commemorates the International Day of Sign Language on 23 September through various activities to promote deaf culture. In addition, the Lesotho Sports and Recreation Act 2002 provides that the National Association of Sports Clubs of PWDs be a standing member of the Lesotho Sports and Recreational Committee (LSRC) which coordinates all sporting activities in the country. Additionally, Sports and Recreational Policy was adopted in 2021 to facilitate the inclusion of the clubs of persons with mental disabilities in sports. CPWA section 13 provides that children with disabilities have the right to participate in sports and recreation to help them enjoy a full and decent life.

146. In some districts where there are special schools, children with disabilities participate in some sports such as athletics, soccer, netball and music. Extra-mural activities are part of the curriculum and are offered in all schools. Despite the above, in practice, the challenge is that due to limited resources (inclusive sporting material), negative attitudes and ignorance

on the practical modalities of inclusion, participation of children with disabilities in sports is limited.

Article 31

Statistics and data collection

147. These reports are usually disseminated through various media houses, availing them on websites and provision of print copies which are placed at the relevant institution. Access to these reports by PDWs is limited by the lack of accessible formats of these reports. For some studies that particularly target PWDs, they are engaged in the design of the study and or research through their representative organisations. They are also included as data collection enumerators as well as respondents. When they are engaged in this manner, support in the form of personal assistants and accessible formats of the questionnaires is provided to ensure meaningful and effective participation. On the contrary their participation in the above manner is limited with regards to other studies or research which do not particularly target PWDs and or disability issues.

Article 32

International cooperation

148. Development in cooperation with the World Bank is implementing a five-year project titled PSLP. Furthermore, the Government in collaboration with Clinton Health Access Initiative undertook a study on assistive technology capacity assessment in 2022. There is cooperation between Lesotho and South Africa on knowledge exchange on addressing disability issues. This resulted in the enactment of the PDEA. Also, UN Agencies support various Government initiatives to promote rights of PWDs. For example, UNICEF in collaboration with LNFOD support the MOET to promote implementation of inclusive education; The Resident Coordinator in collaboration with LNFOD supported the Government through training Principal Secretaries on disability mainstreaming.

149. Lesotho joined the global consortium in commemorating the first ever assistive technology day (04 June 2024) through awareness on the importance of assistive technology and essence to improve its access as a human right. To guarantee that donor funds are properly used, it does not form part of the Government funds, donor funds are managed by the imprest staff and their funds management processes differ from that of government. In addition, different monitoring and evaluation systems are used hence external auditors and evaluators are engaged to ensure transparency. Examples of successful funding projects include construction of health clinics in the communities by MCA. Through the China Aid, the Maseru District Hospital is built to provide disability inclusive services.

150. Moreover, through the PLSP supported by the World Bank, 2500 PWDs through provision of assistive devices. The total budget for the livelihood component in this project is \$11m, 2% of which is reserved for PWDs. The Government involves PWDs in most activities that pertain to them. For example, LNFOD was involved in the design and continues to be in the implementation of the PSLP. LNFOD also forms part of the evaluation team of the Government projects supported by the World Bank. In addition, the disability grant was designed in consultation with LNFOD.

151. The Government mainstreamed disability through various initiatives which include laws, policies and programs. These include Inclusive Education Policy 2018 which provides for inclusive education for learners with disabilities. Also, there is National Disability Mainstreaming Plan within Social Development which guides the disability mainstreaming across all public and private sectors which resulted in the appointment of ministerial focal persons. In addition, PSLP which has engaged PWDs in the economic livelihood projects and provision of assistive technologies. Moreover, Social development provides disability grants.

152. The Justice Sector mainstreamed disability through the adoption of the Rules which provide for accommodations for effective and efficient participation of PWDs in all courts of law. Further the establishment of a Disability Unit within the LMPS to enhance the latter's

capacity to provide disability inclusive services. In addition, The Ministry of Justice and Law as well as the Ministry of Local Government and Chieftainship, Home Affairs and Police with support of LNFOD trained the justice sector officials (judges, magistrates, prosecutors, police officers) on access to justice for PWDs through the use of accommodations as provided for in the Rules.

153. Further, the establishment of a Disability Unit within the LMPS to enhance the latter's capacity to provide disability inclusive services. Moreover, ministerial focal persons were trained on disability mainstreaming with support from LNFOD. In order to facilitate their oversight role on disability mainstreaming, the Principal Secretaries were trained. They were also sensitised on the ministerial milestones on disability with support from LNFOD in 2023. The training and sensitization was also conducted in 2024 by Social Development and CHAI.

Article 33

National implementation and monitoring

154. Pursuant to Article 33 of CRPD, the total of 15 Ministerial Disability Focal Persons (MFPs) were appointed in then 15 Ministries. With the support of LNFOD the appointed FP were given training on disability and disability mainstreaming. Their mandate was to coordinate the implementation of the then National Disability Mainstreaming Plan (NDMP) within their respective Ministries. Their work was to be supervised and coordinated by Social Development. The effectiveness and positive results of incumbent MFPs was downplayed by a myriad of factors among others; limited human and financial resources within the coordinating Ministry to support meetings and supervise their activities; transfer of MFPs to other ministries and amalgamation of Government Ministries post the general elections.

155. In addition, the inter-ministerial National Mechanism for Reporting, Implementation and Follow-up (NMRIF) was established in 2021. Its mandate is to compile State Party reports, disseminate recommendations therefrom and monitor and follow-up on their implementation. This mandate also relates to the present Convention. Also, The Office of the Ombudsman is established under section 134 of the Constitution. It investigates and makes recommendations on human rights violations, including the rights of PWDs, emanating from maladministration by government entities.

156. In addition, Section 4 of PDEA establishes the Council. This is a functionally independent body designated to monitor the implementation of the rights of PWDs. Moreover, the National Human Rights Commission is established through the sixth amendment to the Constitution in section 132. The Omnibus Bill 2024 seeks to amend this provision to make the Commission compliant with the Paris Principles on the national human rights institutions.

157. The NMRIF co-opted the umbrella body of the OPDs during preparation of the report. Further, PWDs participated during validation of the report. Their effective participation was supported through engagement personal assistants. As discussed in paragraph 154 above, the work of the MFPs was downplayed by a number of challenges that negatively affected mainstreaming of disability across government Ministries. However, the Human Rights Unit under the Ministry of Justice and Law shall build the capacity of line ministries on human rights-based approach to planning, implementation and monitoring and evaluation with support from the Delegation of the European Union to Lesotho under the Project titled Support for the Reforms and Strengthening of Governance in Lesotho 2023–2026. This training shall cover disability mainstreaming in the operations of Government departments and their programs and functions relating to persons with disabilities.

158. Budget is allocated to enhance capacity building for NMRIF annually to effectively carry out its mandate which also relates to CRPD. Also, there is a budget for setting up and operationalization of the Council. There is also provision for a budget to cater for disability grants in support of the independent living by PWDs in the amount of \$200 000 is set aside for provision of assistive devices in 2024/25.