



International
Labour
Office

LESOTHO COUNTRY PROFILE

D R A F T

July 2005

Employment of People with Disabilities: The Impact of Legislation (Southern Africa)

Prepared by the ILO Skills and Employability Department
in the framework of a project funded by
Development Cooperation Ireland (DCI)

**International Labour Office
Geneva**



Copyright © International Labour Organization 2006

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

ISBN 92-2-117387-9

First published 2006

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org
Visit our website: www.ilo.org/publns

Printed by the International Labour Office, Geneva, Switzerland

Contents

	<i>Page</i>
1. INTRODUCTION.....	1
2. CONTEXT.....	3
2.1 PEOPLE WITH DISABILITIES.....	4
3. LEGISLATIVE FRAMEWORK.....	5
3.1 CONSTITUTION, 1993.....	5
3.2 LABOUR CODE, 1992.....	6
3.3 EDUCATION AND TRAINING.....	7
3.4 OTHER LAWS.....	7
3.5 INTERNATIONAL COMMITMENTS.....	7
4. IMPLEMENTATION.....	9
4.1 INSTITUTIONAL FRAMEWORK.....	9
4.2 POLICY.....	11
4.3 CONSULTATIVE MECHANISMS.....	12
4.4 ORGANIZATIONS OF/FOR PEOPLE WITH DISABILITIES.....	12
5. CONCLUDING COMMENT.....	15

1. Introduction

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983). Policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

The effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation or anti-discrimination legislation – is central, not only in terms of the economic rights of disabled people, but also their broader social and political rights, which are closely linked to economic empowerment.

Improving legislation and implementation strategies has been identified as one of the main issues to be tackled in the African Decade of Disabled Persons 1999-2009. Some countries in Africa have made progress in introducing disability-related legislation, but many of these laws have not yet been implemented. In other African countries, existing national laws need to be reviewed in order to achieve equalization of opportunities for persons with disabilities.

The country study for Lesotho is part of the ILO programme component ‘*Employment of People with Disabilities – the Impact of Legislation*’. The first phase of the programme (2001-2004) aimed at enhancing the capacity of national governments in selected countries of East Africa and Asia¹ to implement effective legislation concerning the employment of people with disabilities. A knowledge base on laws and policies regarding people with disabilities was compiled and a Technical Consultation was held in Addis Ababa on 20-22 May 2002. Technical assistance was provided to selected national governments in implementing necessary improvements. Phase 2 of the programme (2004-2007) is extending coverage to several additional countries (Lesotho, Malawi, South Africa and Zambia in Africa and Viet Nam in Asia), with a broadened focus on provisions for vocational training and skills development. Support to countries that are in the process of improving their legislation will continue.

This country study outlines the main provisions of the laws and policies in place in Lesotho concerning the employment and training of people with disabilities and reviews available evidence on their implementation, highlighting issues that have been identified by key stakeholders or in the literature as in need of further improvement. The study may be read in conjunction with the regional overview for this Consultation *Employment of People with Disabilities - The Impact of Legislation (East Africa), Technical Consultation Report, Addis Ababa, 20-22 May 2002, ILO 2002*.

¹ East Africa: Ethiopia, Kenya, Mauritius, Seychelles, Sudan, Uganda and United Republic of Tanzania. Asia and the Pacific: Australia, Cambodia, China, Fiji, India, Japan, Mongolia, Sri Lanka and Thailand.

2. Context

The Kingdom of Lesotho is a small landlocked southern African country encircled by South Africa. It has a population of 2,200,000 (2002 estimate),² of which more than 80 per cent live in rural areas.³ Lesotho obtained its independence from the United Kingdom in 1966 and is a member of the Southern African Development Community (SADC).⁴

Lesotho is one of the world's 50 Least Developed Countries (LDCs) and ranks 145 out of 177 countries on UNDP's Human Development Index (HDI) in 2004.⁵ Key indicators measured to calculate the HDI are the following:

- Life expectancy at birth in 2002 was 36.3 years - 39 years for women and 33.3 years for men
- Gross enrolment ratio (combined for primary, secondary and tertiary education), was estimated at 64 per cent among boys and 66 per cent among girls;
- Adult literacy rate was 81.4 per cent with a higher rate recorded for women (90 per cent) than for men (74 per cent); and
- Annual per capita GDP was US\$ 2,420 in 2002, with a huge divergence between men (\$3,578) and women (\$1,357)⁶

Poverty is widespread. Over 36 per cent of the population lives on less than \$1 per day while 56 per cent live on less than \$2 per day.⁷ Unemployment, estimated at 31.4 per cent (2002),⁸ is one of the most important factors explaining the high levels of poverty, according to the Interim PRSP.⁹ The labour force participation rate of the population aged 15-64 years is 63.3 per cent, with a higher rate for men (70.5 per cent) than for women (57.9 per cent).¹⁰

HIV/AIDS prevalence is estimated at 28.9 per cent, one of the highest estimated prevalence rates in the world.¹¹ The high rate of HIV/AIDS has caused a dramatic

² Government of Lesotho, Bureau of Statistics, <http://www.bos.gov.ls/>. According to the 1996 census, the population was 1,960,069.

³ UNFPA, <http://www.unfpa.org/profile/lesotho.cfm>.

⁴ SADC is a regional organization regrouping 12 Southern African countries that was originally created to reduce their dependency towards apartheid South Africa and that now promotes economic and social development.

⁵ UNDP, *Human Development Report 2004*, Washington, 2004.

⁶ UNDP, *Human Development Report 2004*, Washington, 2004. GDP is measured in purchasing-power parity (PPP) US dollars.

⁷ UNDP, *Human Development Report 2004*, Washington, 2004. GDP and income poverty are measured in purchasing-power parity (PPP) US dollars.

⁸ Government of Lesotho, Bureau of Statistics, <http://www.bos.gov.ls/>.

⁹ Lesotho interim PRSP, 2000, p.9.

¹⁰ UNFPA, <http://www.unfpa.org/profile/lesotho.cfm>.

¹¹ UNDP, *Human Development Report 2004*, Washington, 2004.

reduction in life expectancy, with a drop of over one third in only four years, from an estimated 55 years in 1998 to 36 years in 2002.¹² It is estimated that more than 20 per cent of the Lesotho labour force will be lost by 2010 and that it will decline by over 30 per cent by 2015.¹³

2.1 People with disabilities

In compiling this report, statistics on disability prevalence in Lesotho were not found. Using the WHO estimates for disability prevalence of 7 to 10 per cent of the population, the population of disabled persons is estimated at between 155,000 and 220,000.

¹² See Human Development Reports of 2000 and 2004.

¹³ ILO, *HIV/AIDS and Work: Global estimates, impact and response*, 2004.

3. Legislative framework

Both the Constitution and Labour Code of Lesotho include anti-discrimination and other provisions drawn from international human rights instruments and ILO Fundamental Conventions that the country has ratified. Without specifically mentioning disability, these provisions apply to all citizens and thus to people with disabilities. In addition to these general provisions, the Constitution also contains a provision on training and employment of disabled persons. Several other laws (the *Education Act 1995*, the *Building Control Act, 1995* and the *National Assembly Election (No. 1) (Amendment) Act, 2001*) contain a provision on disabled persons while the *Public Service Act 1995* specifies that recruitment and advancement in the public service must solely be based on merit. Lesotho has no disability-specific legislation.

3.1 Constitution, 1993

The Constitution of Lesotho states that “*every person shall be entitled to equality before the law and to the equal protection of the law*” and prohibits discrimination. It defines discrimination as “*affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.*” Although disability is not specifically mentioned as a ground of discrimination, the expression “or other status” can be interpreted as covering disability.

Section 33 deals with training and employment of people with disabilities: “*With a view to ensuring the rehabilitation, training and social resettlement of disabled persons, Lesotho shall adopt policies designed to - (a) provide for training facilities, including specialised institutions, public or private; and (b) place disabled persons in employment and encourage employers to admit disabled persons to employment.*”

The Constitution also states that “*the State shall take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in the society to enable them to participate fully in all spheres of public life*”, although a specific definition of ‘disadvantaged groups’ is not given.

The Constitution deals extensively with labour issues, drawing on Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights. It states that Lesotho “*shall adopt policies aimed at securing just and favourable conditions of work*”, including safe and healthy working conditions, equal pay for work of equal value, and remuneration that provides “a decent living” for workers and their families, while taking steps to encourage the formation of trade unions and to promote “sound labour relations” (sections 30 and 31). Section 29 reads “*(1) Lesotho shall endeavour to ensure that every person has the opportunity to gain his living by work which he freely chooses or accepts. (2) Lesotho shall adopt policies aimed at - (a) achieving and maintaining as high and stable a level of employment as possible; (b) providing technical and vocational guidance and training programmes; and (c) achieving steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*”

The Constitution also prohibits the use of forced labour.

Also drawing from the ICESCR, the Constitution provides for universal education (Section 28). Section 6 contains a provision that risks infringing on the rights of people with disabilities. It states that “every person shall be entitled to personal liberty [and] shall not be arrested or detained save as may be authorised by law... in the case of a person who is, or is reasonably suspected to be, of unsound mind... for the purpose of his care and treatment or the protection of the community”

Besides reflecting the level of importance attached to disability concerns in a country, constitutional provisions, as the highest level of law, set a standard for other laws and for policies in the country. By placing at the highest level of law provisions on non-discrimination, equal pay for work of equal value and other fundamental workers’ rights, Lesotho is ensuring that no other piece of legislation will impede on workers’ rights, including on the rights of people with disabilities.

3.2 Labour Code, 1992

Labour law provisions on the employment-related rights of persons with disabilities are likely to have the greatest practical impact on opportunities for disabled job-seekers and workers.¹⁴ Hence, provisions contained in the Lesotho Labour Code are very important as they can have a great impact on opportunities and working conditions of persons with disabilities.

The Lesotho Labour Code covers a wide variety of topics that are often included in several separate laws in other countries: wages and benefits; discrimination in employment; dismissal of employees; occupational health and safety; collective bargaining mechanisms. The Labour Code guarantees freedom of association and equal pay for work of equal value and prohibits the use of forced labour.

The Code contains an anti-discrimination provision (section 5) that reads: “*The application by any person of any distinction, exclusion or preference made on the basis of race, colour, sex, marital status, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, is incompatible with the provisions of the Code*”, even though “*any distinction, exclusion or preference in respect of a particular job based on the narrowly defined inherent requirements thereof shall not be deemed an act of unlawful discrimination.*” The anti-discrimination clause applies also to vocational training just as much as employment. Section 66 extends the anti-discrimination provision to dismissals of employees and places the burden of proof on the employer. If the Labour Court rules a dismissal as unfair, it may order the employer to reengage the dismissed employee or pay compensation. Disability is mentioned neither in the anti-discrimination provisions nor in the rest of the Code.

The Code establishes a National Employment Service whose functions include vocational guidance and employment placement services (sections 20-21). It also establishes a National Advisory Committee on Labour that serves as an advisory body to the Minister on all matters relating to labour and employment, including ratification and implementation of ILO Conventions. An equal number of representatives of workers’ and employers’ organizations are members of the Committee (sections 39-40 and 42).

¹⁴ ILO, Legislation Guidelines, p.13.

3.3 Education and Training

The **Education Act 1995** aims at promoting the education of the people of Lesotho and “to ensure that, as soon as circumstances permit, (a) every child is provided with opportunities and facilities to enable him to develop physically, mentally, morally, spiritually and socially in a healthy, normal manner and in conditions of freedom and dignity; (b) a child who is physically and mentally handicapped is given the special treatment, education and care required by his condition” (section 3).

The **Lesotho Technical and Vocational Training Act 1984** establishes the Industrial and Vocational Training Board. The Board’s function is to advise the Minister responsible for Education on all matters relating to technical and vocational training. The Board, described in greater detail in section 4.1.2, is notably responsible for maintaining contacts with training institutions and employers and for trying to ensure that training provided matches the skills needs of the country. The Act also allows the Board to establish advisory Committees for a particular trade or industry.

3.4 Other laws

The **Public Service Act, 1995** stipulates that the recruitment and advancement of public servants “shall be determined solely on the basis of merit, namely: ability, qualifications, knowledge, skill and aptitude after fair and open competition which assures that all citizens of Lesotho receive equal opportunity”, thereby prohibiting discrimination in recruitment in the public service.

The **Building Control Act, 1995** states that “the Minister may by notice published in the gazette, order that any plan, specification, document or information in relation to a proposed building, shall provide for the physical access to the proposed building to persons of different categories of disabilities.”

The **National Assembly Election (No. 1) (Amendment) Act, 2001** modifies the electoral law to provide for greater participation by women, youth and persons with disabilities. It states that “every registered party and every candidate shall, as far as practicable... endeavour to equalize opportunities for full participation by persons with disabilities in all political activities”.

3.5 International commitments

Lesotho has not yet ratified the ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159).

It is, however, a State Party to 22 ILO Conventions, including all eight Fundamental Conventions: Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182). These Conventions are all considered international human rights instruments and although they do not specifically focus on disability issues, they apply to all, including persons with disabilities.

4. Implementation

4.1 Institutional framework

Overall responsibility for disability issues lies with the Ministry of Health and Social Services. In addition, several Ministries cater to people with disabilities among a wider client group – the Ministry of Education and Training has a Special Education Unit; the Ministry of Justice, Human Rights and Rehabilitation has a Human Rights Unit and the Ministry of Communications, Science and Technology is responsible to ensure the accessibility of ICT. The Ministry of Education and Training and the Ministry of Labour and Employment provide to the general population services, such as vocational training and vocational guidance, that are particularly relevant for people with disabilities, who are usually disadvantaged in terms of employment and training opportunities.

4.1.1 Ministry of Health and Social Welfare

The Ministry of Health and Social Welfare has overall responsibility for disability issues. Among its objectives are “rehabilitating and counselling of the less fortunate and socially deprived members of society” and “promoting preventative Mental Health activities through community participation, and providing efficient and effective curative and rehabilitative mental health services at all levels of the health care system”. The Ministry has a Rehabilitation Unit that provides rehabilitation services. Through funding from the Norwegian Association of the Disabled, a CBR programme was started earlier this year. So far, it is limited to only one district, but it is expected to expand in the future. The Ministry also provides assistance to individuals who are not able to meet their basic needs, including some persons with disabilities.

4.1.2 Ministry of Education and Training

The Ministry of Education and Training (MOET) has overall responsibility for education and vocational training. The Ministry has responsibility for curricula development while the management of schools is decentralized to school boards/committees.

The Ministry of Education includes a Special Education Unit, established in 1991, whose objective is “to advocate the integration/inclusion of learners with special educational needs/disabilities into the regular school system at all levels in order to enable them to acquire appropriate life skills and education”. The Unit’s responsibilities are to “facilitate the integration of learners with special educational needs into the mainstream schools; provide support to learners with special educational needs; and provide support and training to teachers who are teaching children with special educational needs.” The MOET notably provides sponsorship to students with disabilities at the tertiary level. Under the ICT Policy described below (in section 4.2.1), the MOET “shall develop special ICT training programmes for disabled persons, youth and women.”

The **Technical and Vocational Training Board** was established by the *Lesotho Technical and Vocational Training Act 1984*, described above. The Board’s function is to advise the Minister responsible for education on all matters relating to vocational training. The Board comprises 15 members, all appointed by the Minister, including two members representing employers and two representing employees, appointed following

recommendations by, respectively, organizations of employers and of employees.¹⁵ The Board's functions are to: "ensure adequate supply of trained manpower in all trades and occupations in Lesotho including carrying out training needs surveys; improve quality and efficiency of training through establishment of training schemes and programmes and determining their content; and develop and review a system of standards and tests in respect of any trade or occupation and granting of certificates of proficiency to persons who pass such tests, and the keeping of records in relation to such tests."

A Department of Technical and Vocational Training (TVD) was established in 1987 in the MOET and serves as the Directorate of the Industrial and Vocational Training Board. The general objectives of the department are to: "facilitate the development of a productive labour force with the skills, knowledge and attitudes to promote a dynamic and sustainable economy; mobilise and encourage entrepreneurial skills, and integrate them with technical and vocational education and training programmes; and facilitate expansion of training and development opportunities for all Basotho irrespective of innate ability, gender, religious beliefs and socio-economic background." It is the responsibility of TVD to develop TVET standards and ensure they respond to the labour market needs.¹⁶

Technical and Vocational Schools

There are eight publicly funded technical and vocational schools in Lesotho. Two of these are labelled as programmes of the MOET while the six others only receive subsidies to cover teachers' salaries.¹⁷ In 2002, 1859 students were enrolled in those eight schools; 56 per cent of them were men. There were 172 teachers, which makes a ratio of 11 students per teacher.¹⁸ According to the Government, there are also "an unknown number of private providers".¹⁹ A skills training centre is also run by the Ministry of Labour and Employment (see next section).

There is one vocational training centre for people with disabilities. Graduates can receive loans from a Government fund to facilitate income-generating projects. Further information on this training centre could not be sourced in writing this report.

4.1.3 Ministry of Labour and Employment

The Ministry is responsible for all issues relating to labour and employment. Its mission is "to contribute to the national Socio-economic development through formulating and monitoring the implementation of policies to Social Justice and Welfare, Employment and Labour, as well as promoting tripartism and social dialogue." Amongst its objectives are: the provision of skills training; the promotion of employment opportunities; the promotion of occupational health and safety; and the strengthening of tripartism and social dialogue. The Ministry has to provide vocational guidance to job seekers and school leavers and manages the Workmen's compensation trust fund that provides

¹⁵ TVT Act 1984, Section 7.

¹⁶ Ministry of Education and Training, <http://www.education.gov.ls/TVD/tvd.htm>.

¹⁷ Ministry of Education and Training, <http://www.education.gov.ls/TVD/tvd.htm>.

¹⁸ Lesotho Bureau of Statistics, <http://www.bos.gov.ls/>.

¹⁹ Ministry of Education and Training, <http://www.education.gov.ls/TVD/tvd.htm>.

employees victim of occupational injury or disease. The Ministry also runs the Intlafatso Skills Training Centre.

4.1.4 Ministry of Justice, Human Rights and Rehabilitation

The Ministry of Justice, Human Rights and Rehabilitation²⁰ has a Human Rights Unit whose mission is “to uphold ideals of fundamental human rights as propounded by the International Human Rights Instruments and the 1993 Constitution of Lesotho”, rights that apply to all including persons with disabilities. With a vision “to create a transparent, efficient and accessible justice system for all Basotho, especially the poor and members of vulnerable and disadvantaged groups of society”, among which people with disabilities are usually to be found, the Unit monitors the situation of human rights, reports to Parliament and UN treaty bodies on the application of international human rights instruments – including the future UN Convention on the rights of people with disabilities, should Lesotho ratify it,²¹ does advocacy work and trains government officials on human rights issues. One of its stated objectives is “to reduce the violation of the rights of the most vulnerable groups of the society through public education, investigation and prosecution.”²²

4.1.5 Ministry of Communications, Science and Technology

The Ministry’s mission is to “ensure sustainable provision of affordable, reliable and high-quality info-communications services so as to achieve universal access... for the ultimate achievement of socio-economic development...” It has an ICT Department that has the overall responsibility for the implementation and monitoring of the ICT Policy described below in section 4.2.1. Under the policy, the Ministry “shall ensure that... special initiatives are developed to support access to ICTs for disadvantaged groups such as the poor, the disabled and elderly, youth and women.”

4.2 Policy

Lesotho does not have a national disability-specific policy, although a process to draft one has started in April 2005. Disability issues are reported to have been mainstreamed into the information and communications technology (ICT) Policy.

4.2.1 ICT Policy for Lesotho

The ICT Policy was finalized in March 2005 and approved by the Cabinet. The Policy recognizes the potential role of ICT in improving the lives of disabled people, including by enhancing their employability. The policy aims at ensuring universal access to ICT, “paying attention to the special needs of marginalized groups of society, including women, youth, the disabled, the disenfranchised and the elderly.”

²⁰ Rehabilitation here refers to rehabilitation of criminals in the prison system.

²¹ The Convention is currently being negotiated and is not yet adopted. Its official name has not yet been decided.

²² Ministry of Justice, Human Rights, and Rehabilitation,
<http://www.justice.gov.ls/administration/rights.html>.

The policy assigns specific responsibilities to the Ministries of Education and Training, and the Ministry of Communications, Science and Technology as described above. As the Policy is very recent, no information on its implementation was available when compiling this report.

4.2.2 Interim Poverty Reduction Strategy Paper (I-PRSP)

Lesotho developed an interim Poverty Reduction Strategy Paper (I-PRSP) in 2000, and has been since then working on a full PRSP, which has not yet been completed.²³ The I-PRSP recognizes that “one of the most important factors in explaining the high levels of income poverty in Lesotho is the persistently high rate of unemployment”. Thus, it identifies employment creation as one of the strategies to be pursued; it states “strategies to create jobs will continue to be the main focus of the Government in poverty reduction. The Government plans to harness this measure through export expansion mechanism.” Addressing unemployment is identified as “a top priority” for the Government. To promote employment opportunities, Lesotho envisages to “actively assist NGOs to develop a micro-credit programme and establish a sustainable strategy to implement the programme.

The I-PRSP notes the provision of education for people with disabilities “on a limited scale due to lack of resources”, opening the door for possible intervention in this area in the framework of the full PRSP.

4.3 Consultative mechanisms

The Lesotho Labour Code (described above in section 3.2) established the National Advisory Committee on Labour that serves as an advisory body to the Minister on all matters relating to labour and employment, including ratification and implementation of ILO Conventions. An equal number of representatives of workers’ and employers’ organizations are members of the Committee. It has been reported that only low-level government officials are represented on the Committee. The Labour Code also established the National Council on Occupational Safety, Health and Welfare, another tripartite body with equal representation from workers and employers.

As stated above, the social partners are also represented on the Technical and Vocational Training Board (see section 4.1.2).

4.4 Organizations off/for people with disabilities

4.4.1 Disabled People’s Organizations (DPOs)

The Lesotho National Federation of the Disabled (LINFOD) is an umbrella organization of DPOs founded in 1989. It comprises the four main DPOs of Lesotho: the Lesotho National Association of the Physically disabled (LNAPD); the Lesotho National League of the Visually Impaired Persons (LNLVIP); the Lesotho Society of Mentally Handicapped Persons (LSMHP) and the National Association of the Deaf in Lesotho (NADL). LINFOD is a member of the Southern Africa Federation of the Disabled (SAFOD).

²³ Poverty Reduction Strategy Papers (PRSPs) are a requirement to receive concessional financial assistance from the World Bank and the International Monetary Fund (IMF) and debt-relief under the Highly Indebted Poor Countries (HIPC) initiative.

LNFOOD aims to eliminate discrimination against and to protect the rights of persons with disabilities. Its main functions are advocacy and awareness-raising. LNFOOD is contributing to the implementation of the CBR project and has been participating in various forums organized by the Government and by some NGOs.

4.4.2 Non-governmental organizations (NGOs)

Save the Children has a Disability Programme aimed at developing community-based support for disabled children and their families, including CBR. Save the Children is also promoting inclusive education. It contributed to setting up the Special Education Unit (in the Ministry of Education, see above) and helped some children by covering school fees. Save the Children has closed its Lesotho office in 2004.

5. Concluding comment

Lesotho has succeeded in mainstreaming human rights in its core legislation. Core provisions of international human rights instruments and ILO Fundamental Conventions have been included in the Constitution and in the Labour Code. Anti-discrimination provisions have also been included. The country endeavours to achieve universal primary education and to provide general access to other levels of education, including technical education and vocational training. The Government also has a Unit dealing solely with human rights. The universality of human rights guarantees legal protections for people with disabilities, even when they are not specifically mentioned.

However, disability-specific provisions are likely to have a greater positive impact on the situation of persons with disabilities. There is one article on people with disabilities in the Constitution and one provision in both the Education Act and the Building Control Act, but disability needs to be mainstreamed into other pieces of legislation, like labour legislation. Likewise, anti-discrimination provisions should explicitly refer to disability as a prohibited ground.

Lesotho has mainstreamed disability in its ICT policy. The country is reported to have started a process of drafting a national disability policy, which would provide an opportunity to improve training and employment opportunities for persons with disabilities.