Ellen Spannagel 0:01

Hello, and welcome to Enabling Commons, a podcast at the McGill Center for Human Rights and Legal Pluralism. Enabling Commons is a space for dialogue among persons with disabilities and their allies to explore strategies that will transform our environments, our Commons to be meaningfully enabling for all.

Hello, my name is Ellen Spannagel. And this is Enabling Commons. Today we are very lucky to have Nkhasi Sefuthi. Nkhasi is a disability rights lawyer and the director of the Lesotho National Federation of Organizations of the Disabled, which works to influence policy and legislation around disability rights in Lesotho. Nkhasi, thank you so much for joining me today.

Nkhasi Sefuthi 0:48

Thank you very much, Ellen, for having me on this podcast.

Ellen Spannagel 0:51

To start I was wondering if you might be able to tell me a little bit about yourself and your role as a disability rights lawyer, a human rights advocate and their director of the Lesotho National Federation of organizations of the Disabled.

Nkhasi Sefuthi 1:06

Yes, thank you very much. Once again, Ellen, like you have already stated I am Nkhasi Sefuthi, working for the Lesotho National Federation of organizations of the Disabled. And the this organization actually is an umbrella organization for persons with disabilities in Lesotho and it has about four national number of organizations that it is in Lesotho, and I have been working as a human rights and advocacy officer of this organization since 2011. And in 2014, I was promoted to a new position as executive director of the organization. So I'm currently working as the executive director for the Lesotho National Federation of organizations of the Disabled. Nobody called LNFOD for short.

Ellen Spannagel 2:00

Okay, thank you. And could you tell me a little bit more about the priorities of the Lesotho national federation organizations of the disabled?

Nkhasi Sefuthi 2:09

Actually LNFOD as an umbrella organization of the organizations in the Lesotho, they're actually advocating for the human rights of people with disabilities and their families. And by training, and by also providing materials and by representing the interests and rights of persons with disabilities, to the government to the private sector and to the wider community. Then we do this through different ways, activities, including by raising awareness to the public since disabled persons in Lesotho are experiencing a lot of barriers in terms of access to education to employment, and they also are faced with stigma and discrimination and that is caused by the disabilities and they have been excluded for a very long time. So our role as an organization is to build the capacity of our member organizations, so that they are able to do their work effectively, because they are advocating for the specific disabilities. In Lesotho for instance, we have an organization that is dealing with the rise of the deaf people. And they are actually focusing on the rise of the Deaf and sign language to make sure that the government and other stakeholders are taking care of the rest of the Deaf and are also aware of the needs so that we can provide services which are responsive to the needs of the deaf people of Lesotho. So we are we are supporting these organizations to have the resources which they need to implement their activities. And we are doing this through the assistance of improvement partners. Like we do this by writing the proposals to different development partners or donors, who can be interested in what we're doing and we express our interest in advancing the rights of people with disabilities in Lesotho. So we also build that capacity, so that they're able to, you know, understand the legal framework, and how they can advance their rights, and how they can engage with the policymakers, the government officials and other stakeholders so that they are able to influence them to, you know, to recognize the rights of people with disabilities. And this year our our priorities could be divided into four. And the first one being that we actually now having a program on gender and disability. So this is where we are trying to advocate for the gender equality within organizations of persons with disabilities. Because for quite a long-time organizations of persons with disabilities have not been addressing gender within persons with disabilities. And as a result of this has created a lot of inequalities within organizations. So we are trying to integrate gender into the web of organizations of persons with disabilities. And we are also working towards preventing gender-based violence. Now, we have actually been sensitized about the intersection between gender and climate, and we are actually beginning to implement a short program on agenda and disability. However, we want to create awareness about the intersection between the two. And persons with disabilities have not been able to know about these organizations, and as a result this is creating a lot of barriers, especially during disaster for persons with disabilities. So we also want to make sure that persons with disabilities know of the intersection between disability and climate change, and they are also participating in the decision making process in terms of how the country is willing to deal with climate, because persons with disabilities also have to be part of this decision. So, so that, and, you know, from the beginning, you're able to blend or to adopt inclusivity, and which was not there before. We are also trying to work on the on the new law. And Lesotho has just enacted a new law or disability, and the department has passed it by the end of 2018. And our priority to this year is to make sure that the law gets implemented in a way that will protect and promote the rights of persons with disabilities. I think that is in a nutshell, what LNFOD's priorities look like this year.

Ellen Spannagel 7:05

Okay, thank you for the explanation. Can you tell me more about how climate change is included in the work to advance the rights of persons with disabilities, and how some of the organizations that you work with are participating in this conversation and work on climate justice?

Nkhasi Sefuthi 7:24

Actually, I must admit that in the past, you know, organizations of persons with disabilities did not see the issue of climate change as a priority at all. And then, as a result, it was never addressed in the organizations. That means we never had a climate change agenda in the organizations of persons with disabilities because they didn't see any importance in that issue. But starting from last year, and we have been lucky enough to get some support from the Global Green Energy whereby we were supported to try to introduce the topic of gender people, or disability and climate change and how climate change affects essential disabilities. And fortunately, we addressed our board on this issue, and they were quite interested in, you know, pushing this issue forward and actually addressing the president voting, but we have learned that a certain point, we needed to also raise awareness about this issue among our member organizations, and try to make them understand the importance of these issues so that they also put it in the agenda and to be started to advocate for their inclusion in decision making processes, which are actually leading the climate change so that we are able to link how disability intersects with climate change in our country. So that means, this year, we will be raising awareness about this issue to our member organizations because now the board members of LNFOD have adopted this as part of the agenda this year. And we are hoping that after the awareness raising, then we'll be able to integrate this issue into they’re their agenda for this year. And now to be able to be the best position to engage with the policymakers in Lesotho. So that is how we will be dealing with this matter this year.

Ellen Spannagel 9:41

Okay, and what do you think are barriers to taking action against climate change in the work you do? Or in your experience, what has also successfully promoting meaningful inclusion and participation for persons with disabilities?

Nkhasi Sefuthi 9:58

Some of the strategies that we are willing to be using, we will be actually producing materials on disability and climate change, that will be teaching member organizations and persons with disabilities in general, including the public on how disability intersects climate change, and what actions should be taken to ensure that has disabilities also received climate change justice, because if they have not been participating, that means they have been left behind in issues around climate change. Climate change is one of the issues that the world is looking at, nowadays, and we can already see some changes in our environment, which have been caused by climate change. So the first one would be production of the materials, you know, on disability and climate change. And now the second one would be the presentations; we will also be making presentations to the member organizations in Lesotho. And even if you aren't, because we have a Southern African network of organizations of persons with disabilities, whereby we are able to share ideas and experiences on how the rights of persons with disabilities can be promoted. So climate change, we thought that we should also form part of the issues that were discussing in that matter. So we'll be discussing the climate change with our colleagues and officials here in Lesotho, and we will even go beyond Lesotho to our network in the southern region. So that will be within that our strategies include, you know, producing and disseminating materials on climate change and disability, and also by making presentations to the member organizations and even beyond our country whereby we will be discussing it with the organizations for persons with disabilities in the southern region.

Ellen Spannagel 12:00

Okay, thank you so much. Something that has come up a lot in our conversation is the topic of participation and inclusion, can you tell me about strategies for ensuring people with disabilities are participating in the decision making around policies that are affecting them on the ground?

Nkhasi Sefuthi 12:20

Actually, we have a we have a number of strategies that we are using to make sure that persons with disabilities participate and are included in the decision making taking place in Lesotho. And one of them that currently our country is undergoing a constitutional and parliamentary reforms whereby, you know, it has been a life where a lot of people have been left behind. And therefore it is the you know, there is a need for our country to reform our laws and our constitution as well. And then in that, and so the government has established the national reform response authority, which is responsible for changing the laws. And what we did as an organization was to advocate for the self representation of persons with disabilities in that authority, so that those persons with disabilities have somebody whom they trust, and who could be able to push a service agenda in that authority. So like you were able, we are successful in advocating for that, and we have a representative in that National Reform Authority. So that is one of the great ways of ensuring that persons with disabilities participate, fully participate in the decision-making processes of the country. And the other services that we use as an organization is to sensitize the duty bearers, about the rights of persons with disabilities, and how important it can be for digital data to include persons with disabilities. So in the local communities, what we did was first to capacite persons with disabilities on policy and law issues, so that they understand exactly how to represent a variety of persons with disabilities and they are now able to go to the meetings of the committee councils whereby the local issues have been discussed and they're able to voice their concerns because it is a platform for the people and during the assembly during the local assembly whereby they can come together and they're able to voice their concerns. So in most of the community councils that we are working in, persons with disabilities are now able to articulate, to voice out their concerns because in the beginning they didn't they, they were not they were completely sidelined by the decision makers. And they were totally discriminated, but in our project area where we are working with an organization, there are some changes. And some people with disabilities have even joined some political parties, whereby they are now part of the political parties. And when you know that political party is electing its representatives, some of them have been lucky to be appointed, and they are serving as the visibility of the people in the community assemblies. And now they are able to voice out the concerns of persons with disabilities, because they know what persons with disabilities are advocating for, and they are also, they are still part of the movement, of the disability movement in the country. So that is how we are we have been dealing with this issue. I think the other one is that in the National Reforms authority, we are actually asking for the disability specific seat in the parliament, wherever we say, persons with disabilities should be nominated into the Parliament so that the laws and the laws, the programs, and the policies that are being made by the parliament, are also sensitive to the rights of persons with disabilities, because we have seen that over the past years, most of the laws which have been passed by the parliament, were not disability inclusive, they were still leaving persons with disabilities behind and as a result, we think that if we can make sure that persons with disabilities participate, then that will lead to inclusion because they will be a part of the decision making processes, and then they can start thinking about their issues and influencing the way policies should look like. So that is generally how, as an organization, we have been trying to make sure that you know, persons with disabilities participate and are included in the decision-making process.

Ellen Spannagel 17:14

Okay, thank you. Can you tell me more about the kinds of laws and policies that your organization has been advocating for?

Nkhasi Sefuthi 17:24

Actually, we have advocated, first of all, for the ratification of the UN Convention on the Rights of Persons with Disabilities, by the government of Lesotho. And we were very fortunate, because the government ratified the Convention on the Rights of Persons with Disabilities, on the second of December 2008. And then thereafter we advocated for the, and for the police instability policy, and which we then had a pastor to advocate for the legislation. So in 2011, the Cabinet of Lesotho adopted the disability policy, which was now paving the way for the domestication of the UN Convention on the Rights of Persons with Disabilities, through the piece of legislation. Because Lesotho is a dualistic state. So, that means if Lesotho has ratified the Convention, a convention does not automatically is not automatically enforceable in the country, but it only binds to the state. And in order for the convention to be applicable in the country, it has to be domesticated through a piece of legislation. So as a result, as soon as the cabinet ministers adopted the disability policy in Lesotho then we started to advocate for the drafting of the legislation. So, this legislation was actually a domesticated version of the convention, like taking the relevant the provisions of the convention into the national law and so that persons with disabilities will be able to, you know, enforce those rights for you know, for them in the country, and the country has just adopted that law by the end of 2020. And we are hoping that this year, there will now be working towards implementation. And one of these such laws as that will also speak to the issue of participation of persons with disabilities, will be actually arising from recent legislation and is an independent monitoring body that will also be composed of the representative organizations of persons with disabilities whose function is to monitor the implementation of this act by different government ministries and other private sector agencies. So, that is how, or those are some of the critical policies and laws which we have been advocating for. And some of them have already been, you know, adopted by the government, whilst we are still working on others, but these are the main policies and laws that we have been fighting for as an organization.

Ellen Spannagel 20:20

Could you just explain to me what specific issues you want to raise awareness about when it comes to raising awareness about disability and climate change?

Nkhasi Sefuthi 20:31

For organizations on persons with disabilities, what we want to do is to actually sensitize them about climate change, what is climate change, and how it is affecting essentially persons with disabilities, and how the persons with disabilities can participate in the decision making towards the issue of climate change. Because, like we said before, we have not been able to participate in decision making policies around the issue of climate change. And it was not considered to be a priority since, they were just fighting for their rights without actually understanding that climate change is one of the critical issues which is affecting their lives. So we'll be raising awareness about what is what it is, and actually how it's affecting their lives. And maybe what could be the strategies which can be employed in order to ensure that there is justice provided for persons with disabilities in terms of climate change. Because we believe that there should be some strategies that should be put in place in order to ensure that persons with disabilities are also participating in the decision-making processes towards climate change, and they are also, you know, given the opportunity to generate the information and the mechanisms which can be used in order to ensure that the climate is actually protected area also enjoying access to issues related to climate change. So those are some of the issues that we'll be discussing with the member organizations, and to the government actually, and because the government already has a department on climate change, and organizations like the UN agencies, they already have some programs on climate change, then we will also be learning from them how they're doing it and also sensitizing them on the importance of involving persons with disabilities in programs such as because they are quite important and meaningful and we think that persons with disabilities that can really contribute a lot. Especially in formulating appropriate interventions, which can be used for the inclusion and participation of persons with disabilities.

Ellen Spannagel 23:10

Thank you so much, that helps explain that a lot. Are there other topics that you that you think should be brought to the forefront when we're talking about disability and climate action?

Nkhasi Sefuthi 23:22

Yeah, I think that I think maybe, because now, we are at the inception phase, since we have been working on this topic, ever since our organization was established a long time ago. So we think that we also want to partner with other organizations, you know, dealing with climate action, so that we can learn more about what they are doing, and you know, some of the experiences which they have in dealing with this topic, especially in relation to persons with disabilities, so that we learn more about it. And we also learn about the things which they have been doing. So yeah, I think some of the barriers that are there is evidently a lack of knowledge among our member organizations, including ourselves. Because we have not been, you know, quite well introduced or we are not that much advanced in this topic. And that means we may miss some of the important you know, elements of the topic, and do you want to learn from other from, you know, other organizations who have more experience and expertise in climate change, and disability, so that, you know, our capacity will be well built to engage with all the stakeholders around this topic.

Ellen Spannagel 24:51

I know you have mentioned this a couple of times, but do you think you could explain a little bit more why maybe it might have taken longer for the issue of climate change to come to the table or, or what prior priorities have been more important and why?

Nkhasi Sefuthi 25:08

Yeah, I think this is because of the issue of long-term discrimination and isolation of persons with disabilities from development work. If you may recall, persons with disabilities you know, have undergone a few, you know, long term discrimination and stigma, and they were actually, it was difficult for them to, you know, engage in a liberal bandwagon or because most of them are well educated, and they didn't get that opportunity to participate in decision making, and they were not employed, you know, they were considered to be ill, they were actually sidelined, in all aspects of development. And this led to, you know, persons with disabilities, just focusing on making sure that, you know, their human rights are being organized and respected by the government and they did not actually see climate change as one of their priorities because of the discrimination and stigma which we have been, you know, going through over a long period of time. So I think this is one of the things which has contributed in the organizations of persons with disabilities not actually considering the issue of climate change as a priority for them.

Ellen Spannagel 26:44

Okay, thank you. I think that helps provide a lot of context. Do you have a message for people with disabilities around the world in regard to taking action against climate change?

Nkhasi Sefuthi 26:57

Yes, I think we understand the situation of persons with disabilities in that they have been excluded and they have not been able to participate in different aspects of life. So we as persons with disabilities around the world, we should understand that we have also been excluded in participating in climate change actions. And that has also affected the way in which and the governments are considering us in terms of how they can ensure that persons with disabilities are participating and can give us an opportunity to participate and to teach the world and to the world in terms of how we would like the government to approach this issue of climate change. So the issue of climate change is even recognition issue is just like any other issues that we have been attracting. So it is quite important for us as persons with disabilities to also be included and participate in the climate action so that we are not left behind and we are able to influence the world positively.

Ellen Spannagel 28:02

Okay, thank you so much. Do you have any other thoughts you want to leave me with?

Nkhasi Sefuthi 28:07

Yeah, no, maybe I could you know, since we are in the beginning of including this issue, then that means we will need more support technically and financially so that, you know, everybody is able to understand and we are also able to take these words online to make sure that we reach even the people in the communities to, you know, to lead them or to inform them on these issues. So that, you know, why they are doing their work, why they are busy advocating for the rights of people with disabilities in the community, they also include the issue of climate because is a new phenomenon, which we have not been dealing with before. So I think, you know, relational community building is quite physical. And it will require some technical and financial resources in order for each to be effective in purposes. So I think that is the message that I want to leave you with.

Ellen Spannagel 29:19

Thank you Nkhasi. I just, I just wanted to thank you so much for taking the time to speak with me about all the work you're doing and the other organizations the work they're doing in Lesotho. I really appreciate you taking the time to speak with me today.

Nkhasi Sefuthi 29:34

Thank you very much Ellen.

Ellen Spannagel 29:34

Thank you for listening to Enabling Commons. Stay tuned for our next episode and take care.