



SECOND PERIODIC REPORT
THE KINGDOM OF LESOTHO
TO
THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS
AND WELFARE OF THE CHILD

DATE: DECEMBER 2021

TABLE OF CONTENTS

Table of Contents.....	1
List of Abbreviations and Acronyms.....	3
GENERAL INFORMATION ABOUT THE STATE PARTY	7
Background and Introduction.....	7
country profile	8
Objectives	10
Methodology.....	10
Phase 1: Research (data collection and analysis) stage	10
Desk review/research.....	10
Stakeholder consultations and dialogues	10
<i>Drafting of the ACRWC Report</i>	11
Report Validation meetings workshop II	11
part II: General measures of implementation of the charter, concluding observations and recommendations.....	11
Definition of a child	15
General principles	16
Non-discrimination	16
Best interest of the child.....	18
The right to life, survival and development.....	20
Participation of the child.....	22
Civil rights and freedoms	24
Name, nationality, and registration at birth.....	24
Protection against abuse and torture.....	28
Family environment and foster parentage.....	29

Basic Health and Welfare.....	33
Education, leisure and cultural activities	36
Enrolment rates and disability friendly education infrastructure.....	38
Quality education through teacher training and education materials.....	39
Specialised schools for children with disabilities	40
Integration of adolescent reproductive health education.....	41
The right of children to play, leisure and recreation.....	41
Special protection measures	43
Refugee and displaced children.....	43
Birth registration and family reunification of refugee children.....	45
Children in conflict with the law	45
Diversion of juvenile offenders.....	46
Minimum age of criminal liability	47
Establishment of juvenile training centres.....	48
Children in armed conflict.....	49
Children of imprisoned caregivers	49
Sexual abuse and exploitation and trafficking of children.....	51
Trafficking in children in the region	53
Child labour	54
Harmful traditional practice	56
Responsibility of the child	58
conclusion	59

List of Abbreviations and Acronyms

ADH	Adolescent Health Corner
AIDS	Acquired immuno-deficiency syndrome
ART	Anti-retroviral treatment
BOS	Bureau of Statistics
CGPU	Child and Gender Protection Unit
CHAL	Christian Health Association of Lesotho
CPWA	Children's Protection and Welfare Act
CSO	Civil Society Organizations
DCS	District Council Secretary
DCPT	District Child Protection Team
DHS	Demographic and Health Survey
DMA	Disaster Management Authority
EU	European Union
FAO	Food and Agriculture Organization
FIDA	Federation of Independent Women Lawyers in Lesotho
FMU	Food Management Unit
FPE	Free Primary Education
GDP	Gross domestic product
GFATM	Global Fund for AIDS, Tuberculosis, and Malaria
GOL	Government of Lesotho
HIV	Human immuno-deficiency virus
HPSU	Health Planning and Statistics Unit
HQ	Head Quarters
ICHR	Inter-sectoral Committee on Human Rights

IECCD	Integrated Early Childhood Care and Development
ILO	International Labour Organization
IMCI	Integrated Management of Childhood Illnesses
IMAM	Integrated Management of Acute Malnutrition
IOM	International Organization on Migration
JICA	Japanese International Cooperation Agency
JTC	Juvenile Training Centre
LANFE	Lesotho Association for Non-Formal Education
LCGP	Lesotho Child Grants Programme
LCN	Lesotho Council of NGOs
LCS	Lesotho Correctional Service
LDTC	Lesotho Distance Teaching Centre
LFDS	Lesotho Flying Doctors Services
LMPS	Lesotho Mounted Police Services
LS	Lesotho
LSC	Lesotho Save the Child
MDG	Millennium Development Goal
MOAFS	Ministry of Agriculture and Food Security
MOET	Ministry of Education and Training
MOF	Ministry of Finance
MODP	Ministry of Development Planning
MOGYSR	Ministry of Gender, Youth, Sports, and Recreation.
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOSBC	Ministry of Small Businesses and Cooperatives

MOSD	Ministry of Social Development
MOJCS	Ministry of Justice and Correctional Services
MOLE	Ministry of Labour and Employment
MOLGC	Ministry of Local Government and Chieftainship
MOTEC	Ministry of Tourism, Environment, and Culture
MOTI	Ministry of Trade and Industry
MOWA	Ministry of Water Affairs
NCDC	National Curriculum Development Centre
NFE	Non-Formal Education
NGO	Non-Governmental Organization
NOCC	National OVC Co-ordinating Committee
OVC	Orphans and vulnerable children
PEPFAR	President's Emergency Fund for AIDS Relief
PMTCT	Prevention of mother-to-child transmission of HIV
PSS	Psychosocial Support
RSA	Republic of South Africa
SADC	Southern African Development Community
SACU	Southern African Customs Union
SRH	Sexual and Reproductive Health
TB	Tuberculosis
TVET	Technical and Vocational Education and Training
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNFPA	United Nations Population Fund

UNICEF	United Nations Children’s Fund
US	United States
USAID	United States Agency for International Development
VHP	Village Health Post
WB	World Bank
WFP	World Food Programme
WHO	World Health Organization

GENERAL INFORMATION ABOUT THE STATE PARTY

Background and Introduction

1. The Government of Lesotho (GoL) ratified the African Charter on the Rights and Welfare of the Child (Charter/ACRWC) on 27 September 1999. This report is submitted pursuant to Article 43 the Charter. The State Party has endeavoured to work towards the implementation of the Charter through domestication of its aspirations under the Constitution and other legislation such as the CPWA 2011. Since then it has been engaged on developing ways to give effect to the provisions of the Charter.
2. Since state party reporting is one of the obligations arising from the Charter, GOL submitted the First Combined report on the implementation of the Charter to the African Committee of Experts the Rights and Welfare of the Child (ACRWC/Committee) in 2015. The Report combined the Initial, First, Second, and Third Periodic Reports that had become overdue.
3. Following the consideration of the Initial Report, the Committee adopted Concluding Observations and Recommendations on the Report in 2016. Upon receipt of the above Concluding Observations and Recommendations, the State Party was expected to provide responses to the recommendations in a form of a report, a process that is meant to complement and clarify certain sections of the Report.
4. The Report outlines the measures adopted by GoL, to fully implement its obligations under the Charter and the 2016 Concluding Observations and Recommendations. However, this Report being a Periodic report, the articles of the Charter and the *ACRWC Guidelines for Periodic Reports of State Parties* have guided its content and structure. ***One important Guideline is that the content must focus on developments after the last time of reporting.***
5. Accordingly, the content primarily focuses on developments that have taken place since the time of the last Report - 2018. Thus, it is a narrow period under review such that much of the information already submitted in the

previous reports remains relevant and will not be repeated. Cross-referencing to these and other GoL Reports especially to the UN CRC will be made.

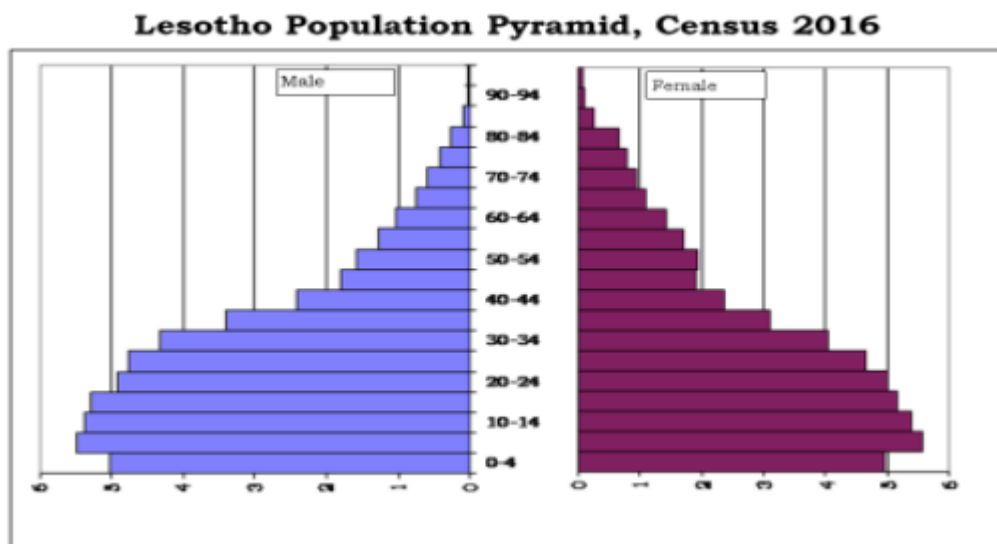
6. In particular, this Report highlights the array of legislative and policy measures for the protection of Basotho children. It is also an honest reflection of the practical challenges GoL is facing in implementing the Charter. In addition, the State Party continues to implement the Sustainable Development Goals and “Agenda 2040: Fostering an Africa fit for Children” by integrating them in policies and government development plans.
7. The Report is composed of narrative parts that give details on the implemented measures and where possible this is backed up by statistics to give an overview of the situation on the ground. However, the State Party ventures to mention that it faces a challenge in terms of production of statistics on many of the programmes mentioned in the Report, and commits to taking a deliberate programme of compiling statistics which shall be incorporated in future reports.

Country profile

8. Lesotho is a mountainous landlocked country with a population of 2.2 million. While a lower middle-income country, the country ranks 159th out of 189 countries in the 2017 Human Development Index (HDI) with over half of its population either poor, young and/or women. 2.5 % of the population are persons with disabilities, and with a Gini coefficient of 0.544 in 2017, Lesotho is ranked among the ten most unequal countries in the world. Most of those unemployed and disadvantaged are women, and 11 percent of women marry before turning 18 (Lesotho Violence Against Children and Youth Survey 2018), while 22 percent of children (25 percent boys and 20 percent girls) are engaged in child labour. Majority of the population, 58 percent lives in rural areas, while 34 percent lives in urban areas and 8 percent lives in peri-urban areas. The average national population density is low at 66 persons per square kilometre; however, while expressed in terms of arable land, the population density rises to 349.8 people per square kilometre. Mokhotlong is

the least dense district with a population density of 24.1, while Berea is the most densely populated district at 132.9 persons per square kilometre.¹

9. It is estimated that more than 50% of citizens live below the international poverty line of US\$2 per day. Thus, poverty is a major barrier in the implementation of the Charter. Children account for 49% of the population, largely owing to a high rate of HIV and AIDS. At 23% incident rate, Lesotho has the 3rd highest HIV prevalence in the world.
10. Economic growth has continued to decline in Lesotho in recent years. The gross domestic product (GDP) growth rate was projected to decelerate from 1.4 per cent in 2019–2020 to 0.4 per cent in 2020–2021 before the global shutdown. This projection has since been revised downwards to negative 5.1 per cent for 2020–2021.² The remittances of over 400,000 Basotho who were working in South Africa have declined as migrants return home due to job losses as a consequence of COVID-19 lockdowns, thereby increasing the vulnerability of 17% households dependent on remittances. **Figure 1** below shows the



Source: Lesotho Ministry of Finance Strategy Paper

¹ WFP, Lesotho Annual Country Report 2018 Country Strategic Plan 2018 – 2019 p5.

² UNICEF, Humanitarian Action for Children, Lesotho (2021) 1.

Objectives

11. The main objective of the process is to compile a report responding to the ACRWC Concluding Observations and Recommendations in order to demonstrate how the State Party has implemented these; and in the event of non-implementation, the Guidelines require the State party to show the intended steps to address the ACRWC Concluding Observations and Recommendations as well as provision of additional information on the timelines when such measures will be adopted.

Methodology

12. The process of the compilation of this report is of interest to the Committee and thus will be highlighted here. The process involved two main phases and these were:

Phase 1: Research (data collection and analysis) stage

13. Two data collection techniques were used to collect documented information needed to inform the report writing process and these were;

Desk review/research

14. The compilation of the report was informed by inter-alia desk research, examination of official government, civil society organisations and development partners records. This constituted a critical stage in the process of compiling the report.

Stakeholder consultations and dialogues

15. Due to Covid 19 protocols, consultations with relevant stakeholders were conducted through on-line platforms. Government line ministries formed the first and critical cluster as it provided major legislative and policy frameworks in place, and are aware of action plans adopted or being adopted to guide the implementation process. The purpose of this exercise was to collect information from the stakeholders and to give them an opportunity to input into the process of compiling the report.

16. The civil society organisations and development partners play a critical role in the implementation of the Charter.

Drafting of the ACRWC Report

17. The MOSD led the process of the drafting of the Report while UNICEF Lesotho provided financial resources that enabled the roping in of a report-writing technician. Findings from the research using the Committee's "Concluding Observations and Recommendations" as guiding questions were used to inform the decision-making on the nature of data required for the Report.

Report Validation

18. The zero draft report was validated through meetings and workshops with the state and CSOs. The government line ministries and the CSOs were provided with the Report prior to the validation workshop and dialogues in order to share their comments informed by their work and familiarity with Government interventions in Lesotho. This validation workshop was held on 22 September 2021 and submitted to the MOSD on the 30th September 2021 for consolidation of the inputs.

PART II: GENERAL MEASURES OF IMPLEMENTATION OF THE CHARTER, CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

19. In the absence of significant changes to the constitutional framework in relation to the rights and freedoms contained in the Charter, the Committee is urged to consider legal measures as earlier reported. However, the GoL remains actively engaged in measures to reform the statutes affecting children and fully domesticate and implement the Charter. The CPWA (2011) is in the process of being amended and this Act is so far the first and most comprehensive framework that has given due consideration to the principles and standards of the Charter. The proposed law is before Parliament and its time of finalisation is uncertain.

20. Further to what has already been reported especially in the Response to the List of Issues, the GoL believes that Department of Child Protection Services within the MOSD remains a critical element of child rights implementation and

coordination. It intensifies coordination with the National Orphans and Vulnerable Children Coordinating Committee (NOCC) at national level, District Child Protection Teams (DCPT) at the district level and Community Council Child Protection Teams (CCCPTs) at community level.

21. The GoL is committed to supporting the Department through human and financial resources. As reported earlier, there are six posts under government establishment for the Department, which includes the Director already filled and funded by the Government. There has been an addition to the team with a Manager Child Protection Services; a Senior Child Protection Officer; a Child Protection Officer; and two Senior Child Welfare Officers. At District level, there are 10 Senior Child Welfare Officers (one per District) and 10 Child Welfare Officers (one per District). The latest budgetary allocation to the MOSD Child Protection stands at M 6,624,058.00 for the 2021/2022 financial year.
22. The history leading to the adoption of the 6th Amendment to the Constitution in 2011 to establish the Human Rights Commission is reiterated. There are regulations to the Act, namely, Human Rights Commission (Selection Process for Members) Regulations of 2016, which stipulate procedures that need to be followed during appointment of the Commissioners. The structure of the Commission has been drawn up and approved by the Public Service Commission in principle. Consultations are ongoing between Ministry of Law, Constitutional Affairs and Human Rights and Ministry of Public Service (MOPS) as regards working conditions Commission staff. The consultations will be followed by commencement of operations of the Commission. Once operational, the GoL will attend to issues such as internal structures of the Commission to include a children's rights sub-committee.
23. There has not been much movement in this regard although the expectation is that the Commission should be operationalized as soon as these key decisions are made, most probably before the next Periodic Report is due and submitted.

24. Concerning the legal standing of the National Orphans and Vulnerable Children Coordinating Committee (NOCC) and District Child Protection Teams (DCPT), it was earlier reported that Government through MOSD had submitted a Schemes of Service request to Cabinet which includes recreation and funding of 2 positions for NOCC within the Department of Child Protection Services. The approval of the Schemes of Service will result in an elevated commitment by Government on Child Protection issues, which include budgetary commitment. This will be followed up by elevation of NOCC to a statutory status using the relevant instruments and routes. However, the approval is still outstanding but not abandoned.
25. On their part, District Child Protection Teams (DCPTs) do not face similar challenges in terms of authority and leadership on child protection issues. Under the leadership of the District Council Secretary (DCS), the committees enjoy the support of development partners and Government both technically and financially.
26. While the State Party legal position remains that ratified international and regional treaties and conventions are not binding unless they are domesticated by the national legislation, it reiterates that international and regional conventions on children, which are sector specific e.g. Labour Code and Education Act have been domesticated in their respective line ministries with the exception of the Hague Convention which deals with intercountry adoption and was only ratified in 2014 after the enactment of the Child Protection and Welfare Act (CPWA) in 2011. The current amendment process of the CPWA has taken on board both domestic and intercountry adoptions thus domesticating The Hague Convention.
27. The State Party affirms that it has adopted a specific method of domestication known as "incorporation" where international human rights standards are incorporated into municipal law without the legislative act of directly domesticating a regional or international treaty. To this end, the State Party submits that these treaties are applicable at national level although it remains

engaged with taking measures to ensure child rights standards are fully domesticated.

28. In Paragraph 9 of its Concluding Observations, the Committee encouraged the State Party to fortify its efforts in training human resource, allocating sufficient budget for monitoring and evaluation, and in looking at assistance in this regard from non-governmental and UN agencies. As earlier reported in the responses to the Committee's List of Issues, the M&E Unit established at the facilitation of the Ministry of Health and Social Welfare (MOHSW) in 2007 and revitalised in 2012 remains the key mechanism within the child rights sector. The Department of Planning within MOSD continues to benefit technically and financially from partners such as UNICEF, EU and World Bank.
29. The Committee further encouraged the GoL to strengthen the collaboration, coordination and cooperation among various government organs and CSOs working for and with children.
30. Since the last time of reporting, the MOSD is mandated to strengthen and facilitate the promotion and protection of child rights, and to enhance meaningful participation of all stakeholders in the implementation of Charter.
31. To facilitate the implementation of the Charter, the MOSD has established the following structures, the National Orphans and Vulnerable Children Coordinating Committee (NOCC) at national level and District and Community Child Protection Teams at district and community levels respectively. Their method of operation is as reported in the Response to the Committee's List of Issues.
32. The GoL agrees with the Committee that the translation of the full text of the CPWA into Sesotho language, wide dissemination of the African Children's Charter and creating awareness on the Charter are critical measures for the implementation of the Charter. CPWA is currently under amendment process. Once it has been enacted, translation into Sesotho, and into accessible formats (for persons with disabilities) will follow. Only a simplified version of

the CPWA has since been translated into Sesotho, but is due for update upon the enactment of the amendment.

33. The translated versions of the Act will be widely disseminated to communities in all ten districts of the country. Wide dissemination of the CPWA and other currently being amended laws such as Education Act and Labour Code to mention a few will serve the purpose of domestication and dissemination of the African Children's Charter as well as creating awareness on the Charter to the general public.

Definition of a child

34. The Committee commended the State Party for adopting definition of the child consistent with the African Children's Charter although children aged 13 and above can engage in light work due to the increasing number of child headed households. The Committee recommended that the State Party complies with international standard and raise the minimum age of employment, and to devise other schemes such as grants and free services provisions for child headed households to support them.

35. The CPWA 2011 already defines a child as a person below the age of eighteen (18) years. In addition, the Lesotho Labour Code is compliant with the ILO standards on the age of employment.

36. Government has housed under MOSD key Social Assistance Programmes with the aim of coordinating and managing support to all vulnerable households in order to assist only households that are eligible for assistance. Additionally, other schemes and tools such as grants and free services provision for child headed households and National Information System for Social Assistance (NISSA) have been devised.

37. The social assistance programmes include CGP, OVC Bursaries, Public Assistance, disability grant and Old Age Pension (OAP) to mention a few. All citizens of Lesotho, aged 70 and above, with the exception of retired civil servants are entitled to a monthly pension benefit of M850 Lesotho Maloti (LSL) – about US\$55. This non-contributory social pension also benefits other

household members, particularly children. The OAP was introduced to lift older persons out of poverty and is the largest regular cash transfer in Lesotho, covering about 84,000 persons (4.5 per cent of the population).³

38. As for OVC Bursary in Lesotho, it was introduced in 2000; it is applicable nationally, so far has assisted more than 26,000 beneficiaries and draws a programme expenditure equivalent to 0.18 per cent of GDP.

39. These grants are all meant to alleviate poverty and assist vulnerable households to access basic needs such as education and health care services, especially for children under the age of 18 years, persons with disabilities and the elderly as indicated above.

GENERAL PRINCIPLES,

Non-discrimination

40. Further to report on the issue, especially the legislative framework enforcing non-discrimination, the Committee appreciated that the principle of non-discrimination is enshrined in the Constitution and the CPWA but recommended that the State Party make non-discrimination a justiciable right in a way that sanction is attached against those who commit discriminations. It further encouraged the State Party to fast-track the revision of the CPWA.

41. Indeed, the CPWA Amendment Bill 2021 has included making non-discrimination a justiciable right in a way that sanction is attached against those who commit discriminations. However, Parliamentary timelines for finalisation of the law cannot be ascertained.

42. However, on close consideration of legislative framework as it exists, a person can lodge a case in court against anyone who discriminates against them on the ground of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁴ This, in the view of

³ ILO, Universal Old Age Pension (2020): [https://www.usp2030.org/gimi/RessourcePDF.action?ressource.ressourceId=53518#:~:text=All%20citizens%20of%20Lesotho%20over,per%20cent%20of%20the%20population\).](https://www.usp2030.org/gimi/RessourcePDF.action?ressource.ressourceId=53518#:~:text=All%20citizens%20of%20Lesotho%20over,per%20cent%20of%20the%20population).)

⁴ Section 18 of the Constitution of Lesotho.

the State Party, makes non-discrimination “justiciable” essentially including child protection.

43. Furthermore, the justiciability of non-discrimination could be implied from other pieces of legislation. For instance, the Persons with Disability Equity Act 2021 says that a principal, director or head learning institute, private or public shall not deny admission to any course of study to a person with disability by reason only of disability, (Section 23, subsection 1). This prohibits discrimination. It is not necessary to specifically use the word “discriminate” to show that discrimination is prohibited; discrimination can be inferred from the sections of different legislation.

44. Nonetheless, the CPWA Amendment will create offences where necessary. So far section 11 of the CPWA has a list of children’s rights, but does not create an offence punishable by law for violating any of those rights. It is just a list of policy statements. Section 11 (2) provides that a child shall not be denied or hindered from medical treatment due to religion or other beliefs. The problem with this section is that if this right is violated there is no penalty. This is also another example that prohibition of discrimination can be inferred from this section. The Committee noted with appreciation that the Constitution; the CPWA and the Education Act ensure non-discrimination in all situations; and that the Legal Capacity of Married Persons Act provides equal inheritance right to women. However, the Committee is concerned that there are reports, which indicate that pregnant girls are excluded from education, orphan children are discriminated in schools, children with disabilities and children with albinism are ostracized, and girls are discriminated at the time of succession in practice. The Committee recommended to the State Party to implement the laws, sensitize the society about non-discrimination of all children, and take measures against those who pose discrimination against girls, children with disabilities, and children with albinism.

45. The GoL reiterates that the CPWA Amendment Bill 2021 has taken into account elimination of all forms of discrimination against children by repealing all discriminatory clauses especially those related to girls with the exception of

inheritance. The inheritance issue will be addressed during the Law Reforms process.

46. The Persons with Disabilities Equity Act 2021 caters for children with disabilities and albinism. Within the context of MOSD not all the legislations discriminate against children, for example CPWA Section 19 declares children born out-of-the-wedlock as lawful inheritors of parental property and protects them against property dispossession upon the death of their biological mother. The Government, through MOLE has established a Child Labour Unit, which is responsible for addressing all child labour issues in the country, in particular livestock herding, domestic work, and commercial sexual exploitation. Other pieces of legislation aimed at protecting children from gender discrimination include the Sexual Offences Act 2003, and the Education Act 2010 and these are all taken on board in the CPWA Amendment Bill 2021.

47. The Government has taken a number of steps to safeguard the right to education of adolescent mothers, children with disabilities, and children with albinism, although albinism is rare in the country with minimal discrimination against it. MOET through the School Health Policy advocates for readmission of adolescent mothers in schools where they were enrolled before falling pregnant and individual schools are relatively complying with this requirement. There is even one vocational school which is currently catering for adolescent mothers and their babies, namely, Good Shepherd Centre for Teenage Mothers at Sehlabeng sa Thuathe.

Best interest of the child

48. The legislative and policy framework largely remains as it was in the Initial Report of 2015. Despite efforts, a continued lack of broad dissemination of policy and legislative texts leads to limited knowledge and understanding of these underlying principles. Further, cultural practices and social attitudes regarding a child's role in the community mean that the value of children is

not given sufficient weight. The long-term damage done by harm inflicted to young children is misunderstood and underestimated.

49. Although the Committee commended the State Party for the efforts, it has employed to ensure that the best interest of the child is a paramount consideration, it noted with concern that societal attitudes, culture, and custom do not promote the best interest of the child.

50. Accordingly, the Committee recommended that the State Party engage in sensitization of the society to inform it. Furthermore, the State Party should give training to the legislature, the executive, and the judiciary on systems and mechanisms of ensuring the best interest of the child.

51. The State Party recalls that in 2013, the MOSD produced both Simplified and Sesotho versions of the CPWA 2011. During the same year, both versions were extensively disseminated to all ten districts of the country and up to community level.

52. The dissemination to the districts was preceded by the training of hundred (100) front-line officials who are responsible for implementation of the CPWA 2011. The trainees included Magistrates, Prosecutors, Correctional Service Officers, and officials from the Master of High Court, Social Workers, Probation Officers, and Police Officers. This training was meant to provide and equip participants with skills to enable them to better understand the spirit of the new law, which sets precedence in child rights and protection. The training was also aimed at achieving maximum implementation of the child law in a manner that would realise the best interest of every child in Lesotho.

53. It was during the dissemination process that Government realised that the Act does not adequately address emerging child protection issues such as child marriage, age of criminal responsibility and the establishment of a Central Authority and Adoption Agencies to mention but a few, as a result decided to defer translation of the Act to Braille to only after the 2011 amendment has gone through. The government is in the process securing funds to translate the Act into accessible formats. Upon enactment of the amendment of the

CPWA 2011, it will also be translated into accessible formats. This will be followed by development of regulations to the CPWA 2011. Further trainings of the same cadres of front-line officials will resume on the amended law prior to extensive dissemination to the entire population with emphasis on the best interest of the child.

The right to life, survival and development

54. The legislative framework on the right to life, survival and development of Basotho children remains as it was in 2015 (See Para. 4.3 of Initial Report), subject to the CPWA 2021 Amendment pending before Parliament. For this reason, the Committee noted with appreciation the steps GoL had taken to promote the right to life and survival including the establishment of 18 nutrition corners, providing complementary feeding and so forth. Nonetheless, the Committee appeared to think more could and can be done.
55. In order to fully realize the right to life, survival and development of all children, the Committee recommended that the State Party adopts a national nutrition programme; integrates nutrition with other programmes; promotes exclusive breastfeeding for the first six months after birth and healthy nutrition for pregnant women and children under the age of 5 years; and works in collaboration with donors and UN agencies to solicit funds and expertise.
56. The Committee further encouraged the State Party to continue with efforts in providing complementary vitamins, minerals, and balanced food especially in rural and poorest areas of the country.
57. The State Party stands by the post-2016 policy arrangements it put in place in this regard. Under the leadership of the Food and Nutrition Coordinating Office (FNCO), the GoL developed and adopted the National Nutrition Policy in 2016. A National Nutrition Strategic Plan 2016/17 was then adopted in 2017, which shall run until 2022. The adoption process was inclusive as it involved state and non-state organizations that are involved in food and nutrition issues in the country. The organisations included MOH, MOAFS, MOET, MOTI,

MOWA, MOSB, DMA, FMU and MODP. Non-governmental organization involved included World Vision Lesotho, LCN, and Lesotho Red Cross. The initiative received technical and financial support from development partners such as UNICEF, WHO, FAO, WFP, GFATM, CHAI and the World Bank. The main areas of focus of both policy and strategic plan are food production, food supplementation, micronutrients supplementation, infant and young child feeding which include exclusive breastfeeding for the first six months of life, maternal nutrition and food and nutrition education.

58. There are huge complementary and supplementary methods of feeding component, which are also key in the policy and plan wherein children presenting with severe and moderate malnutrition in health facilities are supplemented with Plummy Nut for severe cases and Super Cereal + for moderate cases. Adults presenting with TB and or HIV and AIDS who are malnourished are also supplemented with Super Cereal in health facilities.

59. There is also a strong component of Micronutrients supplementation in the plan with micronutrients that are of public health importance being vitamin A, iodine, and iron. To address micro-nutrients in the country, the following initiatives are in place;

- a) fortification of staple foods like maize meal and wheat with vitamin A;
- b) salt iodisation;
- c) deworming of children under five years and in primary schools.

60. The School feeding programme is also key in the plan because it serves the dual purpose of providing students with at least two meals per day thus increasing the concentration span as well as reducing absenteeism and school dropouts. The programme is limited to reception class and primary schools.

Table: Early childhood mortality rates by demographic characteristics⁵

Neonatal mortality	Post-neonatal	Infant mortality	Child mortality	Under-five
--------------------	---------------	------------------	-----------------	------------

⁵ Neonatal, infant and under-five mortality rates are expressed as deaths per 1,000 live births. Child mortality is expressed as deaths per 1,000 children surviving to age one. Post-neonatal mortality is calculated as the difference between infant and neonatal mortality rates.

	rate	mortality rates	rate	rate	mortality rate
Male	45.4	37.6	83.0	16.4	98.0
Female	37.5	22.7	60.2	15.2	74.5
Total	41.5	30.2	71.7	15.8	86.4

Source: MICS 2018, Lesotho

61. The Committee further commended the Government in trying to supply clean water through the rural water supply department and called upon the State Party to strengthen this department, provide it with necessary budget, and ensure that communities in rural areas have access to clean drinking water.
62. The Government wishes to confirm the baseline on access to drinking water as reflected in the 2016 Population Census Report released by the Bureau of Statistics, an estimated 88.1 percent of the households nationally have access to improved water sources showing 14.5 percent improvement from the 2011 inter-census survey, implying that in terms access of quality and efficiency there is progress. However, only 80.2 % of the rural population have access to clean drinking water, a figure below the national coverage by about 8%. In terms of the budget allocation, for the past three financial years, the Ministry of Water Affairs has been allocating 14.3% in 2016/17, 16.6% in 2017/18, and 15.6% of its Capital Budget to the Department of Rural Water Supply for supply of clean drinking water and sanitation facilities in the rural and remote parts of the country. These funds are mainly used for maintenance and construction of new water supply and sanitation facilities. In terms of human resources, all the ten districts of the country have functional Departments of Rural Water Supply led by engineers that oversee construction and maintenance of the Department's infrastructure and systems.

Participation of the child

63. The GoL remains committed to ensuring that the voice of children in decision-making is heard and taken into consideration in all spheres of life in line with the developing capacities of children. In response to its Initial Report, the Committee recommended the State Party to empower and educate children aiming at their effective participation in law and policy making procedures;

child concerned events and discussions; judiciary proceedings, and community-based programmes. The Committee further encouraged the State Party to work towards changing the societal attitudes of the community that devalue the participation of children particularly in rural areas of the Kingdom.

64. While there are no new measures since the last time of reporting, the GoL reiterates the position as earlier reported. Government has established a tripartite arrangement comprising World Vision Lesotho, MOSD and UNICEF, wherein Children's Parliament is convened annually. The Children's Parliament sittings serve as platforms and forums through which children can get involved and it is comprised of designated students from identified schools who are given platforms to sensitize their peers, parents and the public at large on child related issues that they should be aware of. Annually, the Children Parliament sits at the National Assembly Chambers for a whole day discussing a topic that relates to children and thus giving their own judgements about how such a topic should be handled by Government. Topics differ annually and they include issues such as child concerned events and discussions, judiciary proceedings and community-based programmes that concern them. Because of a wide coverage of media such as television and radio in the country, families and communities at large listen to such sessions and change their attitudes towards children as a result.

65. Children participated on the ongoing national reforms and as a result the Government has committed to institutionalising children's parliament and to increase the budget allocation for children. The government through ministry of Finance organised and held workshops on public finance for children. To enhance child participation in Justice for Children, the government through the support of EU and UNICEF has included children in the Village Child Justice Committees to make decisions in matters that concern children. The government has further facilitated children's participation in international forums e.g the voluntary national review regarding progress made towards 2030 SDG agenda supported by World Vision Lesotho. In 2018, LMPS

introduced the crime prevention forums whereby bi- annually children also express their views on crime and police service provision.

CIVIL RIGHTS AND FREEDOMS

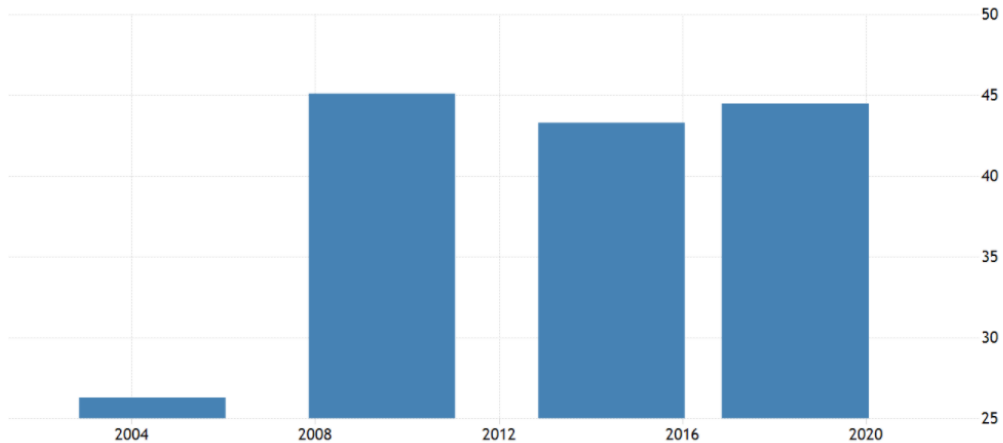
Name, nationality, and registration at birth

66. The legislative and policy framework as previously reported in the Initial Report remains in place. It was on its basis that the Committee urged the State Party to provide for an immediate free birth registration for all children and to make birth certificates available immediately after registration free from any charge. Even though immediate registration systems are available in hospitals, the Committee was concerned about children residing in rural and remote areas. It accordingly recommended that the State Party should provide mobile registration centres, educate and train human resource working in the civil registration for an effective, a more functional and universal registration.
67. Since the last time of reporting, the MOHA collaborated with Ministry of Local Government (MLG), deployed officers to every Community Council and further deployment down to electoral divisions. This collaboration ensured universal registration of vital events.
68. The Government has ensured collaboration between MOHA and MOH through deployment of staff at every health centre, this collaboration , ensured that every event that occurs at health centre is registered. Furthermore, MOHA collaborated with MOH during vaccination visits and clinical campaigns to enable MOHA to register all births that could have been missed before. This initiative covered children under 5 years who usually go for their respective vaccinations and those who are born in the health centres. The government further collaborated with MOET to identify and register all learners without birth certificates and identity cards. The MOHA also collaborated with MOSD in registering social assistance beneficiaries. Government undertook further innovative measures as follows;

- a. ***The Government has installed automated work stations in three hospitals.*** So far three hospitals are fully automated namely, Scott Hospital in Maseru; Maluti Adventist Hospital in Berea, Queen Mamohato Memorial Hospital. This helps in acceleration of registration in that certificates are produced within the Hospital.
- b. ***Elimination of fees.*** As part of implementation of Committee recommendations, the GoL has removed all fees under schedule 2 of registration fees, as they were a barrier to registration.
- c. ***Enrolment of Officers on WB Capacity-building trainings.*** The State Party has been encouraging officers to enrol to CRVS Open Learning courses offered by the World Bank. These courses have really helped officers to understand their duties and their functions.
- d. ***Outreach services to residential care facilities.*** The MOHA carries out visits to vulnerable children care facilities where such children are registered on the same day through arrangements with MOSD and this happens throughout the country. With the support of UNICEF and the EU, mobile registration and citizen services centres provide registration of all vital events (births, deaths, marriages, and divorces) especially for the hard-to-reach rural places. All permanent and temporary staff that conduct registration undergo a special training on vital registration tools and systems prior to being deployed to do the registration.

69. These measures help to explain the general trend of improvement in terms of completeness of birth registration⁶ that is being experienced in the country as indicated in the **Figure 2** below.

⁶ Completeness of birth registration is the percentage of children under age 5 whose births were registered at the time of the survey. The numerator of completeness of birth registration includes children whose birth certificate was seen by the interviewer or whose mother or caretaker says the birth has been registered, *World Bank, 2021*.



Source: World Bank, 2021

70. The Committee further recommended that the prohibition of derogatory names often given to children born out of wedlock and to sensitize the society to avert giving such derogatory names.

71. The GoL acknowledges this practice and recalls that it has already taken legislative measures to curb the practice. The registration of births Act 1973 prohibits registration of births of children with derogatory names. In addition, the CPWA states that upon birth a child has a right to a decent name and to a nationality.

72. Moreover, the Committee called upon the State Party to take commitment to eliminate statelessness by giving recognition and nationality to abandoned children within the territory of the State Party.

73. In care facilities where abandoned children are placed, Government through MOSD arrange with MOHA officials to register such children and provide them with birth certificates. In cases where such children are without names the care facilities in consultation with MOSD provide the child with a decent Sesotho name so that the child has an identity. It is customary that the abandoned children are given the Monarch surname of Lerotholi. This gives the child recognition and nationality as stipulated in the Constitution.

74. The Committee also recommended that the State Party takes into consideration its General Comment No.2 on Article 6 of the African Children's

Charter for the implementation of the right to name, nationality, and birth registration of children.

75. The State Party reiterates that Section 32 (a) and 38 (1) of the Constitution caters for Article 6 of the African Children's Charter for the implementation of the right to name, nationality and birth registration of Children in Lesotho. Children are able to acquire citizenship through birth, decent and registration, subject to meeting the procedural requirements outlined in the law. The State Party also evokes section 24 of Citizenship Order of 1971 to confer nationality in cases of doubt.

Freedom of expression, conscience, thought, religion, assembly, and protection of privacy

76. The State Party stands by the report under this section in the Initial Report, which the Committee noted with appreciation in particular the legislative and administrative measures to ensure the freedom of expression, religion, and association of children. In relation to freedom of expression. The Committee encouraged the Government to facilitate platforms and forums through which children can express their views. It is also important to sensitize communities so that children enjoy their freedom of expression in the family settings and at community levels. The State Party wished to refer the Committee to measures reported under child participation above with regards to freedom of expression.

77. With regard to freedom of thought and religion, the Committee recommended to the State Party to balance between freedom of religion and the right to life and bodily integrity of other children. In addition to prosecuting those who commit such kinds of ritual offenses, it is imperative to educate the society and work on prevention.

78. The State Party would like to make it categorical that harmful religious practices are not tolerated in the country. The legislative measures are that the Constitution, which is the supreme law of the land is very clear about

people's rights especially to life. No one has the right to take another's life for religious reasons. Such offenses are subject to prosecution.

79. Further, the Government through MOSD and partners conduct on a frequent basis sensitization and awareness raising in society on the harmful effects of such ritual offenses through media such as television, radio and print media as well as community gatherings.

Protection against abuse and torture

80. The Committee commends that the Education Act proscribes corporal punishment in schools. The Committee further encourages the State Party to legislatively ban corporal punishment in all settings including home. Additionally, the State Party should sensitize children, parents and teachers on positive disciplining mechanisms that do not involve physical or verbal punishments.

81. The GoL takes these recommendations on abuse and torture of children seriously. The Education Act 2010, section 4 states that a learner shall not be subjected to cruel, inhuman and degrading treatment. This Act is in line with section 16 of the CPWA 2011 in that a child has a right to be protected from torture or other cruel, inhuman and degrading punishment. Additionally, section 5 of Education Act 2010 forwards that parents shall be involved in the disciplinary policies of learners.

82. In spite of the above legal frameworks and other initiatives, corporal punishment still happens in schools and family. Teachers who still practise corporal punishment are normally subjected to disciplinary action pursuant to the 2005 Teachers Code of Good Practice and School Health and Nutrition Policy 2018. Depending on the magnitude and nature of the punishment, teachers can also be charged and brought before the courts of law by parents. There are Child and Gender Protection Units (CGPU) within Police Stations in all 10 districts of the country which are manned by police officials designated to handling child abuse issues. These police officers have been trained on the provisions of CPWA and other legal and policy measures

relevant to child protection issues thus enabling them to detect violence and abuse and take remedial action on time in all settings. More trainings for Police Officers, especially on the provisions of the CPWA 2011, will be planned for.

83. Although not rolled out to all community councils, Community Council Child Protection Teams play critical roles in early detection and prevention of violence and child abuse at community level and within families. The recent resuscitation of the Child Helpline also serves as a platform where children can report acts of violence and abuse and seek immediate support. Child Helpline is now managed by MOSD.

84. The establishment of residential care facilities for victims of abuse is commendable. The Committee recommends for the State Party to provide trained and skilled expertise in such facilities to help children recover from the physical and psychological effects of abuse.

85. The MOSD developed the standards of care that regulates the operation of care facilities. The Standards stipulates the professional staff to be recruited by facilities and the basic core training that every staff member have to go through. MOSD regulates adherence to the set standards by conducting quarterly supervisory visits. MOSD also identifies knowledge gaps and conduct refresher trainings where such are required. The MOSD also provide the facilities with Social Workers on a temporary basis when such need arises. So far these encounters provide the facilities' staff members with skills that help children to recover from physical and psychological effects of abuse quickly.

Family environment and foster parentage

86. The Committee notes with satisfaction the financial assistance provided to poor families through cash grants, food packages, and bursaries. The Committee encourages the State Party to strengthen these support mechanisms and make them accessible to all children and families who are vulnerable including child headed families. Currently, the CGP coverage is 48,111 households with 130,000 children with budget of M 93,000,000.00

87. Through technical and financial support of EU, UNICEF, and World Bank, the Government through MOSD and MOF has recently brought together five social assistance programmes, namely Old Age Pension, CGP, OVC Bursary, and Public Assistance and Disability Grant into the MOSD under the Social Assistance Department. This activity is one of the key components of the Draft National Social Development Strategic Plan 2019/20. This support is meant to assist in the re-registration of households using a new tool that will facilitate elimination of households and individuals who are not eligible for assistance and enrolment of only those who are. This will ensure that only the vulnerable and needy get the support.
88. The State Party acknowledges that high unemployment rate in the country as well as high HIV and AIDS prevalence are two most important drivers of vulnerability and orphan-hood. The Government's efforts to alleviate the two drivers include social assistance programmes such as the above five, creation of job opportunities as highlighted in the National Strategic Development Plan 2018/2019-2022/2023 with a new one currently under development. The NSDP is a national tool whereby public and private initiatives are combined to illustrate Government's intentions regarding development of the nation and alleviation of long outstanding challenges such as poverty.
89. The Committee also noted that there are privately run Residential Care Facilities for abandoned children and recommended that such facilities are also established in Thaba-Tseka and Qacha's Nek. In addition, the Committee recommended that the Government undertakes continuous monitoring and evaluation to assess if these facilities are complying with the Standards of Care Guidelines. Moreover, the Committee recommends for the State Party to devise mechanisms such as referral systems through which separated children are put in the Residential Care Facilities. As the facilities are run by private proprietors, it is also important for the State Party to closely collaborate with them and assist them in keeping records and tracks of children put in the facilities.

90. As highlighted above, establishment of residential care facilities in Thaba-Tseka and Qacha's Nek poses a serious challenge because of the low statistics of victims of abuse in those districts on an annual basis. It is more cost effective to refer the victims to nearby districts in order to benefit from the care provided. One of the responsibilities of Social Workers operating at district level is to monitor compliance of facilities to standards of care guidelines. Standard reporting tools are used during their supervisory visits to the facilities indicating agreed upon targets to meet by each facility and where these are not met such facilities can be closed. Proper record keeping and tracking of children are maintained in the facilities. Assistance and support is provided where such is needed or eminent.
91. While commending the provision of maintenance of children born out of wedlock at the Victims Office, the Committee recommends for the State Party to oblige non-custodial parents to maintain children; and to work towards changing the societal attitude towards children born out of wedlock. It further recommended that the State Party holds such parents accountable and place children in alternative care centres or preferably in a family setting.
92. Part XXIII of the CPWA 2011 clearly outlines all issues relating to maintenance of a child. In particular, section 212 (1) makes the duty to maintain a child obligatory to a parent or such other person with the legal obligations, while subsection (3) goes further to criminalise the contravention of the law.
93. Further to the measures reported under derogatory names given to children born out of wedlock, the Government through MOSD continues to raise awareness in society at large about the negative implications of its attitudes towards children born out of wedlock. Parents are strongly encouraged to maintain their children together unless separation is in the best interest of the child. Parents abuse and exploit their children for economic or cultural reasons are held accountable and through MOSD such children are placed in alternative care centres or given to other family members.

94. Furthermore, the Committee encouraged the State Party to strengthen family reunification programs and strategies to reunify children who are separated but whose parents are alive.
95. The GoL takes family unit seriously. During the monthly and quarterly supervisory and monitoring visits by Social Workers to the facilities and homes, they maintain records on the status of children in the facilities to establish their readiness to be reunified with their families. Those that are ready are accordingly released to their family and proper follow-up instructions kept at the facility or home and with the Social Worker him/herself. The main strategy is to involve all parties when taking such a decision. The standard data collection tool used provides information on the number of reunifications done by district.
96. The Committee commends that the State Party has adopted the Foster Care and Adoption Policy and Adoption Practice Guideline; and applies the subsidiarity principle for international adoptions. It recommended that the State Party promotes domestic adoptions through sensitization of the society. Further, the Committee also recommends that the State Party takes necessary measures to deinstitutionalize children put in Residential Care Facilities by making sufficient investigation of those children whose parents are alive; who have close relatives to take care of them; and those who are eligible to adoption.
97. The Government through MOSD has conducted extensive sensitization measures to educate the society about domestic adoption through local media and public gatherings. Data collected by the Ministry show an increase in the number of local adoptions in the last 3 years as a result of the sensitization of the society.
98. The monthly and quarterly monitoring and supervisory visits that Social Workers conduct at residential care facilities include investigations on the whereabouts of parents of children who are accommodated at the facilities. In line with the Foster Care and Adoption Practice Guidelines they

deinstitutionalize those children whose parents are alive by taking the appropriate route such as reunification with family or opting for adoption.

Basic Health and Welfare

99. The Committee appreciates the measures the State Party has taken to reduce maternal and child mortality as well as to improve health care facilities. It is commendable that infant mortality rate has dropped significantly between 2009 and 2014. Despite these efforts, the Committee notes that under five mortality remains high, access to health care services is limited; and immunization is not fully realized to prevent deadly diseases. Acute malnutrition, lack of sanitation, lack of clean drinking water particularly in rural areas, unattended birth account for the high under five mortality rate. The Committee urges the State Party among others to:

Improving infrastructure and accessibility of health care services in remote areas;

100. The location of a health facility, either a health centre, filter clinic, local hospital as well as referral hospital is determined by catchment area population size of the area being served as well as time and distance that clients have to walk to get to (less than 2 hrs). According to the 2015 Health Facility List there are 244 health facilities in the country with 42% belonging to government and 58% being private. Most GOL facilities are in urban settings with church (CHAL) owned ones comprising 33% being in rural and hard to reach areas. Unlike urban areas which are densely populated, rural areas are sparsely populated with fewer people occupying a big radius. To improve on access to facilities by communities, MOH has decided to erect a village health post (VHP) in all 68 community councils of the country and 30 have been budgeted for this coming financial year with financial support of the Global Alliance for Vaccine Initiative (GAVI) and Global Fund for AIDS, Tuberculosis, and Malaria (GFATM). These 30 VHPs will be erected in the five most remote and mountainous districts of the country, namely, Botha-Bothe, Mokhotlong, Qacha's Nek, Thaba-Tseka and Quthing.

Community immunisation/vaccination programmes

101. In order to reach all communities with immunization programs and provide sufficient vaccination to all children to prevent diseases, Government through MOH has decided to implement a strategy called Reach all Districts (RED) with financial and technical support of the Global Alliance for Vaccine Initiative (GAVI) in five (5) of the worst performing districts of the country. These districts are Botha-Bothe, Mokhotlong, Qacha's Nek, Thaba-Tseka and Quthing. The rest of the districts will receive regular services and support on immunization activities though out the year. The GAVI support include among others erection of 30 village health posts (VHP) in the 5 districts, extensive training of health workers on child survival issues with emphasis on immunization, procurement of equipment and supplies including vehicles in order to improve on quality of service.

102. The State Party recognises that the Committee has made recommendation on construction of more facilities. Health infrastructure involves huge capital ejectionment such that achieving these targets my take a long way. Their achievement may take several years.

Promote sanitation and provide sanitary facilities to poor communities;

103. In line with the Constitution, Vision 2030 and the National Strategic Development Plan (NSDP) 2012/13- 2016/17, the country advocates for universal coverage of water and sanitation services and as a result has a number of projects and programmes aimed at achieving this national goal such as LHDA, Metolong Water Authority (MWA). Within the Ministry of Water Affairs is a Water Commission which is responsible for providing Basotho with safe drinking water in the remote and hard-to-reach mountainous areas of the country through the Department of Rural Water Supply (DRWS) and in urban and densely populated areas through the Water and Sewage Company (WASCO). According to the 2008 Water and Sanitation Policy, all water supply projects and programmes have to be linked to a strong component of sanitation which entails community education on appropriate measures of waste disposal for prevention of water borne diseases. In rural and remote

settings of the country, all clean water supply projects have to include construction of pit latrines for all households of beneficiary communities.

104. For the past three financial years, the Ministry of Water Affairs has been allocating 14.3% in 2016/17, 16.6% in 2017/18, and 15.6% of its Capital Budget to the Department of Rural Water Supply for supply of clean drinking water and sanitation facilities in the rural and remote parts of the country. Communities contribute through provision of local building materials as well as digging of the pits for their latrines.

105. The Committee recommended increase the budgetary allocation for the health sector to increase accessibility and quality of the health care offered by the Government.

Response:

106. Since 2015, the MOH has been getting the second biggest share of the Government budget after the Ministry of Education and Training. MOH has been getting 13.2% in 2016/17, 14.2% in 2017/18 and 15.2% in 2018/19 of the entire GOL budget and this has been steadily increasing on an annual basis and far more than 11% which is the proposed percentage by WHO and other development partners. This shows commitment on the side of Government as far as health care service delivery is concerned.

107. 35. With regard to children with disabilities, Committee recommends that the State Party improves the infrastructure of all health centres to make them accessible by children with disabilities. In addition, the Committee recommends for the State Party to fortify its efforts in early identification and treatment to prevent diseases.

Response:

108. Through the Millennium Challenge Compact (MCC), the Government upgraded 252 health facilities which included 238 health centres, Out-patient-departments (OPD) in 14 hospitals, one National Health Training College and one National Laboratory Referral Facility. The upgrading of all these facilities included ramps to cater for the special needs of children with disabilities.

Since the MCC support, GOL has taken a decision that all facilities that are upgraded or new construction should have ramps to cater for special needs of children with disabilities.

109. Regarding fortification of efforts in early identification and treatment to prevent diseases, GOL through MOET is currently amending the Education Act 2010 wherein emphasis is being made on "Inclusive Education" whereby extensive training of teachers on "Special Education" as well as other trainings that cater for children with special needs have commenced at tertiary institutions such as NUL and LCE as well as outside the country. In-service training is also being conducted for serving teachers on the same tailor-made courses thus equipping teachers with skills and knowledge of identifying children with disabilities at an early stage and referring such children for appropriate assistance and intervention.

110. The Committee also recommended that the State Party expedite the adoption of the Disability Equity Bill which still appears as a draft.

111. The latest developments as far as adoption of the Disability Equity Bill 2018 is concerned is that the Bill is currently at the office of the Attorney General (AG) following extensive exchange of communications between MOSD and the Drafting Section of the Ministry of Law and Constitutional Affairs (MLCA. From the AG's office the Bill will be tabled before the Cabinet followed by the Parliament prior to being enacted. Unfortunately, Government cannot predict the time it will take until enactment.

Education, leisure and cultural activities

112. The Committee appreciated the fact that the State Party provides free and compulsory education for children in accordance with the Constitution and the CPWA. However, the Committee notes that the Free Primary Education Act (FPE) makes education free and compulsory for children between the ages of 6 and 13, which, may result in the exclusion of children who may start primary education later as the age limit will exclude such

children from a free and compulsory primary education once they attain the age of 13 years.

113. The State Party wishes to abide by the reporting it made regarding free and compulsory primary education, but would like to clarify that, in terms of the Education Act, the age restriction of 6 to 13 years applies on the compulsory component only. This means that all children between the ages of 6 and 13 are expected to be at school at all times without any excuse. Regarding free access to primary education, there is no age restriction at primary school level. Limitation comes into play only at secondary education, where access is not yet free according to the Education Act of 2010.
114. The Committee further commended the adoption of the Integrated Early Childhood Care and Development Policy 2013 (ECCD) and the efforts that have been exerted to implement the policy including the expansion of pre-schools. However, there is lack of monitoring and regulating such ECCD centres. The Committee recommends that the State Party adopts comprehensive rules and regulations to set minimum standards for the centres. The Government should also enhance training for ECCD workers closely monitor and evaluate both governmental and private ECCD centres and institutionalize the registration and formation of such centres.
115. The same measures already reported are still in operation, which are that in 2014, Government developed and adopted the Early Childhood Care and Development (ECCD) Policy which clearly outlines how ECCD centres should be monitored and regulated. The line of command according to the policy is such that there is an ECCD Manager at central level complimented by two Assistant Inspectors responsible for ECCD issues at central level. This Assistant Inspector supervises National Field trainers who operate at district and local level regarding the monitoring and regulation of the centres. The National Teacher Trainers monitor both government and private ECCD centres. Prior to operation, the owners of the centres apply to the Ministry which inspects such centres for compliance prior to be insured with a license. During the course of the year the National Teacher Trainers conduct visits to

the centres and those that do not comply with standards are closed. The Ministry maintains a register of all the ECCD Centres. Enrolment rates and disability friendly education infrastructure

116. The Committee noted with appreciation the increasing school enrolment rate at primary education but noted that school enrolment rate in rural areas is low with greater number of boys. The Committee further noted that children with disabilities and orphan children have difficulty in accessing schools. The Committee recommended the State Party to build more accessible schools in rural areas; to build ramps and provide other important disability-friendly infrastructure and teaching materials in existing and new schools to ensure inclusive education; support orphans and vulnerable children to attend school through grants or school feeding programs.

117. As part of the 2000 Free Primary Education Programme and pursuant to Education Act, MOET increased the number of Government owned public primary schools to 1,113 primary schools in the country. The Ministry went further to make adjustments on the designs of the school structures by replacing stairs with ramps in order to improve access to class-rooms for learners with disabilities. As part of the Education Act 2010, integration of learners with special needs was introduced in some schools with the aim of increasing access to primary schools as part of inclusive education and this was done in both existing and new schools. To operationalise this initiative, MOET introduced the Special Education Courses in tertiary institutions like National University of Lesotho and Lesotho College of Education and trained teachers on the course at certificate and diploma levels. Through technical and financial support of the Japanese Government and the African Development Bank (ADB) and as part of inclusive education five secondary schools in the country, namely Motsekuoa, Abia, St Catherine's, Mt Royal and 'Masenate will be provided with special equipment to assist learners with disabilities to access classrooms and dormitories.

118. The Government through MOSD has recently enacted the Persons with Disability Equity Act 2021, which addresses the challenges that infrastructure

or physical environment poses to children with disability regarding access to schools, public or private facilities. The Government provides assistive devices such as glasses, white canes, and hearing aids among others, to enhance mobility of such children. Schools such as Ha Leqele have been provided with ramps to enhance mobility of children with disabilities.

119. The policy is such that primary school entrance is free in all public schools while the OVC Bursary Scheme which provides vulnerable children with school necessities comprised of school fees, books, and uniform and hygiene kits is made available to vulnerable children entering secondary schools.

Quality education through teacher training and education materials

120. In order to guarantee quality education, the Committee recommended that the State Party gives training and appropriate education to teachers at all levels; to reduce the teacher student ratio; and make available the necessary teaching material.

121. In this regard, according to MOET records which are found at Teaching Service Department, (TSD) the country is currently faced with an oversupply of qualified teachers. However, according to the Public Service Rules and Regulations, already serving officers/teachers some of whom are without the required qualifications have to run their terms until they reach their retirement age before they can be replaced by the qualified ones. The MOET also has a Continuing Professional Development Policy which allows under qualified teachers to go for training to acquire higher qualifications. There is also a new curriculum in place in tertiary institutions in the country on "Special Education" whereby most teachers enrol in order to teach in schools practising "Inclusive Education" whereby children with special needs are enrolled in mainstream regular schools.

122. The current average teacher student ratio stands at 1:40-45. However, due to the high rural to urban migration by teachers, there are schools in the rural areas that stand at 1:70-80 which in most cases are as a result of

teachers leaving for greener pastures and replacement being a challenge. The Government is currently facing a high wage bill which according to development partners, has to be reduced significantly and this includes teachers. In an attempt to address this situation, GOL has stopped all new recruitments of public servants including teachers, making it more difficult to achieve the required ratio across the board. However, compared to other countries in the region and beyond Lesotho still has a relatively low teacher student ratio which currently stand at 1:40-45. In terms of making available the necessary teaching material, MOET through its various programmes is trying its best to procure such materials.

Specialised schools for children with disabilities

123. The Committee noted that the State Party aspires an inclusive education as provided in the Education Act, yet there are eight (8) specialized schools for children with disabilities but they lack materials and infrastructures and reports indicate that the trained teachers are leaving the schools due to administrative problems. The Committee primarily recommends that the State Party realizes an inclusive education by mainstreaming children with disabilities in the regular education. Until this is fully realized, it is the Committee's recommendation that the specialized schools are provided with necessary budget, human resource, and teaching materials for proper operation.

124. In spite of the challenges that the eight specialized schools for learners with disabilities are facing in the implementation of the Education Act 2010 regarding inclusive education, the Government has decided to pursue the inclusive education by mainstreaming children with disabilities into the regular education system. Through technical and financial support of the Japanese Government and the African Development Bank five secondary schools in the country, namely Motsekua, Abia, St Catherine's, Mt Royal and 'Masenate will be provided with special equipment to assist such children to access classrooms and dormitories. Support will also include training of teachers to identify children with disabilities and to refer them for appropriate medical

interventions. The pilot will then inform Government on the next steps to take.

125. The Government through MOSD has recently enacted the Persons with Disability Equity Act 2021, which addresses the challenges that infrastructure poses to children with disability regarding access to schools, public or private facilities. The Government provides assistive devices such as glasses, white canes, and hearing aids among others, to enhance mobility of such children. Schools such as Ha Leqele have been provided with ramps to enhance mobility of children with disabilities.

126. The five integrated schools mentioned above and three specialised schools (St. Paul school for the Deaf, Kananelo centre for the Deaf and Thuso e tla tsoa-kae) are being budgeted for annually in the government budget to provide them with required teaching materials for proper operation.

Integration of adolescent reproductive health education

127. The Committee recommended that the State Party integrates adolescent reproductive health education in the education system to prevent early pregnancy and sexually transmitted diseases.

128. The Government wishes to report that this is already done. Government has introduced into the schools' curricula a component called "Comprehensive Sexuality Education" which covered sexual and reproductive health issues with emphasis on HIV and AIDS at primary school level (from class 3) since 2004. From 2014, MOET has moved to a more advanced stage by developing "Life Skills for Sexuality Based Education Programme" in primary and secondary schools which goes beyond addressing HIV and AIDS issues but also addresses adolescent sexual reproductive health that includes issues like pregnancy and sexually transmitted diseases.

The right of children to play, leisure and recreation

129. In relation to the right of children to play and leisure, the Committee commended that the government has established youth centres in each

district. However, the Committee is concerned that the centres are all located in the cities and towns which leave out numerous rural children. Besides, the directive issued by the MOET which indicates that all sports should be scheduled for Saturday in schools hamper the right to play of children as students and teachers are not required to attend school on Saturdays. It is the Committee's recommendation that the State Party establishes youth and recreational centres in rural areas and schools; and that the Government revises the directive issued by MOET to integrate sports and play in the education system.

130. According to the Ministry of Gender, Youth, Sports, and Recreation (MOGYSR), location of Youth and Information Centre takes a form where there is a district youth centre situated in the urban part of the district and satellite centres in various parts of the district depending on the availability of resources. The youth centre in town centres provide outreach services to hard-to-reach areas of the district in order to cover youths in remote parts of the districts. Most of the youth centres were existing facilities belonging to other sectors but were offered to MOGYSR by district authorities in order to establish Youth Centres as per the Ministry's request. Funds secured are then used for renovation and equipment of such structures, meaning they are not necessarily new construction that starts from scratch. This means that the centres are established in districts with available structures even though mountain districts are given priority.

131. However, according MOGYSR records, currently there are centres in four of the districts that are regarded as mountain/rural districts, namely, Thaba-Tseka, Mokhotlong, Qacha's Nek, and Botha-Bothe:

- a) In Thaba-Tseka, things are at an advanced stage of completion for a centre situated in 'Mantsonyane an area which is in the remote part of the district.
- b) In Mokhotlong, there are two centres, one in the town centre and another in Tlokoeng, one of the most remote part of the district.

- c) In Qacha's Nek there is only one located in the town centre where outreach services are provided for youth in remote parts of the district.
- d) In Botha-Bothe there is one in the town centre wherein outreach services are also provided for out-of-town youth.

132. According to the Draft Youth Policy almost finalised, the intention of Government is that, with resources permitting, there should be one youth centre erected/renovated in each district at a 3 to 4 years interval. The availability of a site for the centre will determine which district is allocated funds first but mountain districts will always be given first preference.

133. The Government reiterates the provisions of the Education Act 2010, that sports and recreation are important components of the school curricula and as a result they are allocated time during the school days from Monday and Friday. However, only school matches against other schools or competitions take place on Saturdays. It is also the Government's policy that schools should have within their premises playgrounds which students and youth for playing and recreational purposes even after schools and during school vacations. Children learn through play especially in pre-schools and early grades. This has made the Ministry of Education and Training to review the 1998 ECCD curriculum. This curriculum uses learning through play as an approach to learning. The curriculum was finalised in May 2021.

Special protection measures

REFUGEE AND DISPLACED CHILDREN

134. The Committee notes that there are a number of legislative measures taken including the Constitution, the Aliens Control Act, and the Refugee Act that provide protection for refugee and displaced children. However, the Committee is concerned about the implementation of these legislative frameworks. The Committee calls upon the State Party to devise child friendly systems and mechanisms in which the normative framework will be implemented.

135. Refugee and displaced children in Lesotho are governed by the 1983 Refugee Act, the Regulations of 1986, Immigration and Citizenship Policy of 2017 and Draft Migration and Development Policy. So far, the MOHA and the Department of Immigration is implementing these legislative frameworks within the confines of Government budget and capacities. However, Government is in the process of amending those that are old, especially the Refugee Act of 1983 and its Regulations of 1986. The amendment will take into account child friendly systems and mechanisms with which the framework will be implemented.
136. The State Party accommodates refugee and displaced children in Mohalalitoe in Maseru. The Committee recommended that the State Party makes an effort to establish more centres like this; and to raise the standard of the living conditions at the centre. The Committee recommended that the State Party puts an effort to ensure access of refugee and displaced children to the domestic child wellbeing and protection services such as access to food, regular education, and health services.
137. The State Party wishes to assure the Committee that it is committed to taking care of refugee and displaced children. In fact, most refugee children in Lesotho have parents who are professionals or business people, therefore they live with their families including children. Most of these parents are doctors, teachers or are engaged in different businesses and therefore are accommodated by their employers such as government and private sector while others are based in the districts. This means their children have access to services on equality basis with Basotho children. However, because of the low number of refugee children in the country presently and of late, the State Party is of the view that there is no need to establish more centres outside Maseru looking at the current economy of the country.
138. Regarding access to domestic child wellbeing and protection services such as access to food, regular education and health services, the children are entitled to a stipend of 400 Maloti per month, with those at primary and secondary levels have school fees paid for, uniform and books purchased for

them at the beginning of every academic year. Those at tertiary level are provided with grants from international agencies for refugees. Just like locals, refugee children are entitled to free primary health care services and Disability grants for those with disabilities.

Birth registration and family reunification of refugee children

139. Moreover, the Committee recommended to the State Party to give access to birth registration of refugee children. The State Party shall strive towards strengthening the family reunification program and develop an efficient mechanism to identify and reunify refugee and displaced children.

140. It is Government policy and practice to issue birth certificates to those refugee and displaced children that are born in Lesotho. These are registered and issued as Birth Certificates. The Government advocates strongly for family reunification programs but in Lesotho there are no refugee children who gets displaced and separated with their family and require reunification at some point. Most refugees are stable and well settled.

141. The MOHA is responsible for coordinating and spearheading all refugee and displaced persons including children in the country. It works closely with MOSD on these issues as well as the UN's International Organization on Migration (IOM) and the UNHCR, which is not a residential UN Agency but works closely with the Government. Recipients of their services are internal and external migrants in the country.

Children in conflict with the law

142. The Committee commended the establishment of children's court in Maseru. However, the State Party indicated that children's courts could not be established in all districts due to budgetary constraints. The Committee recommends that the State Party allocates sufficient budget to the Ministry of Justice and Law so that children's benches are established in all districts and the restorative justice programme is fully implemented. In the meantime, the Committee recommends that personnel at subordinate courts are well trained on children's rights and procedures stipulated in the law for children's courts.

143. The State Party wishes to clarify its previous report on this point, primarily by stating that Children's benches are established in all 10 districts of the country. In all the 10 districts the Magistrates Courts can sit as Children's court whenever necessary. The training took place between 2012-14. However, more training for all Magistrates – old and new - is necessary. They adjudicate on both criminal and civil cases relating to children. Currently, 99% of the cases are of children who are victims of various forms of abuse. Section 79 of the CPWA provides for categorization by age, of child offenders who are liable for prosecution in the Children's Courts. Through the support of UNICEF and FHI 360, Children's court in Maseru was provided with CCTV Cameras and other equipment for protection of child victims and witnesses.

144. The second children's court has been established at Ts'ifa-li-Mali Court complex in Leribe District. However, the main challenge is that magistrates' courts are not adequately equipped with victim support such as CCTV cameras, there is also one court intermediary who serves the whole country. However, there are plans to capacitate magistrates' courts

Diversion of juvenile offenders

145. The Committee recommended that the State Party opts for diversion of juvenile from the regular justice system; applies non-custodial penalties; separates juvenile from adult offenders in all districts; train judges, prosecutors and police; rehabilitates and reintegrates juvenile offenders.

146. . The state party reports that Restorative Justices applies in all the stages of delivery of justice from the community up until the child is at Juvenile Training Centre (JTC). Diversion happens at certain stages. With the financial and technical support of UNICEF under the J4C programme the Probation Unit held workshops on restorative Justice processes to stakeholders dealing with Children cases in the Northern region and some parts of the Southern region of the country. Currently, there is a gap in diversion programmes in the country due to lack of funds. The CWPA costing

report provided a guide on the implementation of the provisions of the CPWA in a phased manner. Probation services have also been decentralized to 4 more districts, with an overall coverage of ten districts. Further, 43 Village Child Justice Committees have been established, trained and they are functional.

147. With regards to separating juvenile from adult offenders in all districts, currently there is only one JTC in the country in Maseru. This is due to the fact that institutionalization is the last resort for a child whereby diversions are alternatives along the regular justice system. Currently there are no separate holding cells for children in police stations, save to say one model police station in Mapoteng, which features such characteristic separate rooms for children. On the other hand, magistrates are not adequately equipped with victim support units

148. The Ministry of Justice plans to develop an induction manual which will be used to orientate all new staff and train all other personnel in administration of justice for children.

149. Rehabilitation Officers who are qualified social workers are deployed at all Correctional Centres to provide Psychosocial Support and reintegration programmes, while Correctional Officers offer vocational training and formal education to the juveniles. JTC has a formally registered primary school under the Ministry of Education, on completion, juveniles proceed to post primary education and sit for external examination with ECOL. Juveniles maybe released as early as after nine months and they do not stay beyond 3 years at JTC. They are also provided with life skills by other entities.

Minimum age of criminal liability

150. Concerning minimum age of criminal responsibility, the Committee learned from replies to the list of issues that children between the ages of 10 and 14 years are presumed to lack criminal capacity, however this can be rebutted during prosecution and hence these children could be prosecuted. The Committee recommends that the State Party complies with international

standard of minimum age of criminal responsibility and raise it to the age of 12.

151. Section 79 of the CPWA provides for categorization by age of child offenders who are liable for prosecution in the Children's Courts.

Establishment of juvenile training centres

152. The establishment of Juvenile Training Centre (JTC) for young offenders is commendable. However, the centre is only located in Maseru and cannot accommodate girls due to lack of appropriate facilities. As a result, girls are being accommodated with adults. The Committee urges the State Party to take prompt action to establish JTCs in all districts and provide the necessary infrastructure and facilities in the JTC in order to accommodate the girl child. Additionally, the JTC should be provided with enough funding and skilled human resource so that it can deliver a proper rehabilitation and reintegration of juvenile delinquents.

153. The State Party informs the Committee that the centre is only located in Maseru because the level of crime among children in the country is still relatively low with a maximum capacity of 42 juveniles at any given time. Most of the crimes that are committed by children in Lesotho go through the Restorative Justice System and diversion programs as a result the Juvenile Training Centre (JTC) becomes the last resort. It should be noted the children detained at JTC have either committed serious offences or those with no parents/guardians to be released to.

154. It is a fact that the current JTC due to infrastructural limitations does not accommodate girls and as a result, girls are kept at female correctional centre. It should however be noted that the girl's facility is not part of the adult's inmates but it is completely separate structure which only happens to be in the same premises. The two groups do not mix at all and their daily activities are not linked at all. The Ministry of Justice and Law has approved the erection of Probation Hostels in Quthing and Botha-Bothe respectively, which will go a long way dealing with the issue in the country.

155. In terms of having enough funds and skilled human resource in order to deliver proper rehabilitation and integration of juvenile inmates, the Department is budgeted for under the Ministry of Justice and Law based on needs indicated by Correctional Services authorities. Correctional Services officers undergo a six (6) months intensive course after recruitment and prior to placement at facilities. Unfortunately, the course does not include caring for child inmates nor anything to do with rehabilitation and integration of juveniles. Officials only get exposed to such training on the job as and when lead ministries/agencies organise and run such training. As a way forward the Ministry of Justice is in the process of developing a training manual for law enforcement officials which its content will include child protection issues. The maximum term that a juvenile can spend at JTC is 3 years, however they start being released after 9 months when authorities are convinced that a child is rehabilitated and is ready to go back to society.

Children in armed conflict

156. The Committee commented that even though the State Party report mentions that Lesotho is not involved in armed conflict, reports indicate that there is an armed conflict in the southern region of the State Party, Mafeteng. The Committee recommended that the State Party undertakes all necessary measure to ensure that children are not being involved or recruited in the conflict; to provide protection and care for children affected by the conflict; and to ensure that schools are not used as military objects of the conflict.

157. There are no armed conflicts in Lesotho

Children of imprisoned caregivers

158. The Committee noted that there is no legislative or policy framework to protect children of imprisoned mothers. Therefore, it recommended that the State Party adopts a comprehensive legislation to protect the rights of children as well as to provide rules and regulations about children's stay with their parents in the prison and their separation at 2 years of age.

159. The practice is that children of imprisoned mothers are entitled to live with their mothers until they are two years of age. The current arrangement is that inmates in other districts are transferred to Maseru after delivery if detained while pregnant or immediately after conviction if she already has a child. Upon reaching two (2) years the child is handed over to extended families and if such families are not available the child is placed in residential care facilities through the facilitation of MOSD. Moreover, the Correctional Service Act 2016 draft regulations have been developed and yet to be adopted under national reforms authority. This will address the issue of children of detained mothers. Additionally, there is an approved structure by ministry of Public Works and Transport for refurbishment of female correctional structure to incite a crèche.
160. Further, The Committee recommended that the State Party to provide nutritious food; health care; and child friendly environment for children staying with their parents in prisons. As children who attained the age of 2 years will be separated from their parents, the Committee recommends that the State Party gives psychosocial support for children. In a case where there are no extended families and the children are placed in residential care facilities, the Committee encourages the State Party to ensure that children receive education, health care, and other social welfare services. Family reunification programmes should be accompanied by psychosocial support.
161. all Correctional Service Facilities (prisons) have Departments of Health equipped with mobile clinics and staffed by qualified nurses. The facilities are also staffed with qualified nutritionists. Under the guidance of the Nutrition Departments in MOH/MOAFS and FNCO, these nutritionists provide support to the inmates on proper maternal and child feeding practices e.g., exclusive breastfeeding for 6 months and complementary feeding up to 2 years. The Procurement Unit of the Department provide supplies of complementary feeds where appropriate some of the supplies come from business communities through mobilization by the Department. Ministry of Education also provides

additional feeding. Children placed at the care facilities are provided with all the essential basic needs such as education, health care services etc.

162. Through the support and guidance of the MOH, the nurse provides both the mother and child with maternal and child services such as immunization, weight taking and provision of supplements and essential medicines for minor ailments where necessary. Any complications are referred to Government facilities e.g. hospitals.

Sexual abuse and exploitation and trafficking of children

163. The Committee commended the establishment of Child and Gender Protection Units (CGPU) to provide care and services for children who have been neglected, exploited, or victims of violence. The Committee further encourages the State Party to provide skilled human resource; sufficient funding and necessary facilities that will enable CGPUs to discharge care and rehabilitation for the children.

164. All Police Officers go through an intensive six (6) months training course at the Police Training College (PTC) where the curriculum includes all Laws of the land that police will be addressing in their daily duties which include the Constitution, Sexual Offences Act and Child Protection and Welfare Act to mention a few. Upon completion of the PTC course, police can be assigned anywhere in all Police Departments including CGPU by the Police Commissioner. With the skills and knowledge acquired at the PTC, a police officer can be assigned to the CGPU either at Head Quarters or district level and can further be trained on the CPWA 2011 or related legislations to sharpen their skills for handling child protection issues depending on availability of resources with the support from leading Ministries such as MOSD and donors with interest on children like UNICEF. Removal of such police officers from CGPUs can also a decision that can be made by the Police Commissioner at any time.

165. CGPU funding by the Government does not have a special line item but rather everything is clamped together under CID Department. All resources

are pooled together including vehicles and other resources. This puts a strain on service delivery of CGPU activities both at HQ and district level.

166. Regarding adequacy of necessary facilities that will enable CGPUs to discharge care and rehabilitation for the children, district facilities have just above average facilities which require a lot of upgrading. The park-homes and equipment that were purchased by UNICEF some years back need replacement. Vehicles also need to be designated for strictly CGPU activities. CGPU officers are mainly involved in investigations while special training is required for identifying traumatized children through play therapy which is currently lacking in CGPU facilities. There is also need for training on psychosocial support.

167. The Committee recommends that the State Party reviews its Sexual Offences Act which makes a distinction between children below and above the ages of 16 years in cases of child molestation. The Committee is concerned that Section 8 of the Sexual Offences Act does not proscribe child molestation against children between the ages of 16 and 18 years. The Committee recommends that child molestation is proscribed against all children below 18 years in accordance with the definition of the child under the African Children Charter.

168. The State Party wishes to advise the Committee that whenever there is contradiction on the ages of victims and offenders, the CPWA 2011 becomes the supreme law for children in Lesotho. CPWA 2011 is silent when it comes to sexual offenses. The Sexual Offenses Act (2003) is the primary law when it comes to sexual offenses.

169. The Committee was further concerned that much of the sexual violence is not reported especially when the perpetrator is a family member or a relative. Sometimes such cases will be dealt with at village level without putting proportional punishment on the perpetrator. The Committee recommends that the Government strives towards investigation and prosecution of perpetrator of sexual violence when they are family members. The Committee encourages the State Party to bring all perpetrators of sexual

violence to the formal justice system and to ensure that conviction is affected appropriately to ensure deterrence. To this end the Government should work hand in hand with traditional and religious leaders at grass-root levels.

170. The Sexual Offenses Act 2003 and CPWA 2011 do not exclude family members as perpetrators in any sexual abuse of children, therefore everyone is liable for prosecution and conviction including family members. CPWA goes beyond this to even implicate a member of a community who fails to report such an offense being equally guilty and liable on conviction to a community service under Section 36 (2). The Sexual Offenses Act 2003 8 (3), states that anyone who does not report a sexual offense against a minor/child commits an offense and is liable to prosecution.

171. The Government through Ministry of Gender, Youth, and Sports (MOGYS) is in the final stage of enacting the Domestic Violence Bill 2018 which clearly stipulates how to address acts of violence and abuse within a household/family setting, wherein a perpetrator could be the spouse, relative or landlord/tenant. This Bill, when enacted will reinforce what the Sexual Offense Act 2003 advocates for and the Act will be amended accordingly to also capture what the other related laws are advocating for.

172. Government through MOGYS, MOH, MOSD, and CGPU conducts on a continuous basis sensitization of societies through public gatherings with traditional and religious leaders to draw the society's attention to the legal implications of sexual violence and consequences thereof.

Trafficking in children in the region

173. The Committee commended the joint cross-border forum on human trafficking undertaken with South Africa. Taking the grave trafficking problems of the southern region, the Committee recommended that the State Party collaborates with other countries in the region to prevent child trafficking.

174. The Government acknowledges that currently the joint cross-border is with South Africa only. Currently, through SADC, there is a Southern African

Police Commissioners' forum (SAPCO) which have joint annual work-plans and report annually on each country's criminal activities with special emphasis on human trafficking incidences. Majority of human trafficking incidences reported occur between South Africa and Lesotho, hence a number of cross-border forums between Lesotho and three South African provinces, namely, Free State, Kwa-Zulu Natal, and Eastern Cape. Through SADC plans are underway for expansion to other countries in the region.

Child labour

175. The Committee noted that the minimum age for employment is 13 years of age. The Committee encouraged the State Party to raise the minimum age of employment to 14 years to comply with international standards

176. The adjustment to the minimum age for employment reports show that there are tens of thousands of children below the minimum age of employment who are being involved in the labour force in various sectors including domestic work.

177. The Committee called upon the State Party to implement the Labour Code and to ensure the prosecution of employers who employ children below the minimum age. The Committee also called upon the State Party to make sure that the Labour Officers/Inspectors undertake frequent visits both to formal and informal sector to impede the increasing number of children employed below the minimum age and children working in hazardous conditions.

178. In terms of section 124 of the Labour Code, the minimum age of employment is 15 and it complies with international standards.

179. Government through the Ministry of Labour and Employment is responsible for implementation of the Code. According to Sections 124 of the Labour Code Order and Section 228 of CPWA 2011, employers who employ children below the minimum age can be prosecuted and fine 10,000 Maloti or 20 months imprisonment or both.

180. According to the Labour Code Order, Labour Officers/Inspectors are allowed to inspect only industrial and commercial sites. However, through the amendment process of the Code which is currently underway, inspection of private dwellings and informal sectors has been included. This will assist to impede the increasing number of children employed below the minimum age and children working in hazardous conditions.
181. The Committee noted with appreciation the adoption guidelines for employment of herders. However, the Committee was concerned that parents force boys to work on the farm and to herd cattle which expose children to extreme weather conditions, dropout from schools, attacks by animals and gangsters. The Committee recommended that the State Party implements the guidelines and sensitizes the society about the negative consequences of herding by children. Apart from sensitization, the State Party should also take necessary measures against parents who send their children for herding.
182. The Committee recommended that the State Party provides necessary support for children who are engaged in herding including providing them with education, shelter, food, and health care.
183. The Government, through MOLE has established a Child Labour Unit in 2016, which is responsible for addressing all child labour issues in the country, in particular livestock herding, domestic work, and commercial sexual exploitation. Implementation of the guidelines for employment of the herders is the responsibility of the Child Labour Unit, together with Labour Officer/Inspectors. According to Section 228 (3) (a) of the CPWA 2011, employers are prosecuted together with parents wherein the employer is charged 20,000 Maloti or 20 months' imprisonment or both.
184. Following adoption of the guidelines in 2013, the Ministry embarked on a series of sensitization campaign through public gatherings and local media channels, sensitizing Principal Chiefs and Local Chiefs as well as the Community Child Protection Teams about the consequences of herding by children.

185. In terms of support for children who are engaged in herding for provision of education, shelter, food, and health, according to the guidelines herders can get access to education through in-formal training offered by LANFE and Sentebale. Districts like Qacha's Nek keep records of the number of herders who have attained certificates through this route. The only challenge is that learners attend school after hours. The MGYSC provide herders with trainings on human rights and children's rights, coupled with provision of clothes and shoes. MOLE works closely with a local NGO that coordinates all herders' activities, namely, Monna-ka-khomo to conduct trainings on the rights of children especially herders. Regarding access to healthcare, even though there are no formal arrangements between the two Ministries, like every Mosotho, herders have access health services free of charge at primary health care level.

Harmful traditional practice

186. The Committee appreciated the legal framework that sets the minimum age of marriage at 18 years of age. Nevertheless, the Committee remained concerned that child marriage is highly prevalent in the State Party. Therefore, the Committee urged the State Party to conduct aggressive sensitization of parents, traditional and religious leaders about child marriage; and to sanction those who marry away children. The Committee further encourages the Government to prevent forced marriage after sexual violence by ensuring prosecution of perpetrators.

187. The position on harmful cultural practice remains as previously reported. However, further measures deserve mention. June 2015, Her Majesty the Queen launched a sensitization campaign on ending child marriage as part of the African Child Day celebration. In October 2017, the Government officially embarked on a campaign to end child marriage in the country under the leadership of the Honourable Minister of Social Development. In January 2018, the eldest daughter of His Majesty the King was officially designated as the National Champion for ending Child Marriage

in Lesotho. Also, the CPWA Amendment Bill 2021 has made child marriage an offense punishable by law.

188. Through a tripartite arrangement established by World Vision Lesotho, MOSD, and UNICEF, there is a Children's Parliament where designated students from identified schools are given platforms to sensitize their peers, parents, and the public at large on child related issues that they should be aware of. Annually, the Children Parliament sits at the National Assembly Chambers for a whole day discussing a topic that relates to children and thus giving their own judgements about how such a topic should be handled by Government. In January 2018, the Children Parliament took place at the Chambers and the topic was "Child Marriage" where parliamentarians were sensitized about child marriage and what should be done to address the problem.

189. On new legislative measures, the currently being amended CPWA has taken on board issues relating to child marriage including forced marriage after sexual violence by ensuring prosecution of perpetrators.

190. In general, the Committee called upon the State Party to take legislative and administrative measures to combat all forms of harmful traditional practices including herding, traditional male circumcision, and witchcraft.

191. The State Party is aware of other harmful practices confronting children. With regard to herding, as already reported above, the Government through MOLE has developed guidelines for employment of herders and also established a Child Labour Unit which is responsible for addressing all child labour issues in the country, in particular livestock herding, domestic work and commercial sexual exploitation. Implementation of the guidelines for employment of the herders is the responsibility of the Child Labour Unit. According to Section 228 of CPWA 2011, employers are prosecuted together with parents wherein the employer is charged 20,000 Maloti or 20 months imprisonment or both. Following adoption of the guidelines in 2013, the Ministry embarked on a series of sensitization campaign through public

gatherings and local media channels, sensitizing Principal Chiefs and Local Chiefs as well as the Community Child Protection Teams about the consequences of herding by children. The Education Act 2010 provides for free and compulsory Primary education, thus, protects children from harmful practices.

192. Regarding traditional male circumcision, the Government has taken steps to differentiate between Initiation Schools and Voluntary Male Circumcision. The former is considered as a rite of passage by young Basotho males while the latter is a medical procedure encouraged by the MOH as one of the methods to prevent HIV and AIDS infection. Negotiations are at an advanced stage between MOH and Traditional Healers association to see how the two can be merged.

193. Witch-craft on the other hand is a very complex and controversial subject which Government is only starting to address through the Department of Culture in the Ministry of Tourism, Arts, and Culture. Progress in this regard will be shared with the Committee in subsequent reports.

Responsibility of the child

194. The Committee noted that the MOSD is formulating a regulation to facilitate implementation of section 21 of the CPWA on the responsibilities of the child. The Committee encouraged the State Party to fast-track the adoption of the regulation and to include in it measures that should be taken to ensure that responsibilities of children do not compromise their rights enshrined in the Charter. The Committee further encouraged the Government to empower and educate children to make them aware about their duties and to enable them fulfil their duties.

195. The State Party wishes to advise the Committee that not much progress has been made in this regard. The CPWA 2011 is currently going through an amendment process and therefore formulation of the regulations follows immediately after the amendment process. Section 21 of the CPWA on responsibilities of the child will be taken care of and the Government will

ensure that responsibilities of children do not compromise their rights enshrined in the African Children's Charter.

196. Furthermore, the Government through already existing collaboration among MOSD, World Vision Lesotho, and UNICEF of establishing various forums and platforms such as Children's Parliament through which children express their views and opinions will educate children to make them aware about their duties and enable them to fulfil their duties.

CONCLUSION

As stated at the beginning of the Report and guided by the Committee's Guidelines on Periodic State Party Reports, this Report sought to give an update on the measures the State Party has taken to give effect to the African Children's Charter in the country since the last time of reporting. In other words, it gave detail on the changes that have happened since, thus making the reporting scope narrow but informative.

The Report further served to respond to the concluding observations and recommendations made by the Committee following the consideration of the State Party's Initial Report. It highlighted areas where these are already being implemented, have been implemented, or are anticipated to be implemented subject to certain future events such as legislative amendments. The State Party continues to widen the scope of the legislative measures by consistently revising and reforming laws for enhanced protection of children, especially the CPWA 2011. It is also committed to adopting a strong policy framework to support the law. A review of expired policies and strategies is underway and will be reported on in subsequent reports in order to sustain the constructive dialogue with the Committee.

