

**LESOTHO CIVIL SOCIETY ORGANIZATIONS
COMPLIMENTARY REPORT**

TO THE

**UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE
CHILD**

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**SUPPORTED BY: UNICEF
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Introduction

1. The Government of Lesotho (GOL) submitted its Initial State Party Report to the UN Committee on the Rights of the Child in 2000. The State Party 2014 report submitted in 2016 may be regarded to be its first Periodic Report. It must however, be mentioned that this report is extremely overdue and it covers a period of sixteen years. Hence, it could be argued that it has combined nearly 3 periodic reports. The current working procedure of this Committee is that the CSOs should also submit a separate report which will be reviewed before the State party report is considered.

Objectives

2. The child rights CSOs in Lesotho have decided to seize upon the opportunity of doing a complementary report to get into the habit of reporting on the Convention regularly. In addition, they want to provide the Committee with further information which can help them have a better appreciation of the situation of children's rights in this country as well as to better appreciate the progress made and challenges experienced in the implementation of the CRC. The CSOs' report endeavours to fill-in gaps found in the State Report including raising issues which in their opinion have not been adequately addressed as major inhibitors to the smooth implementation of the CRC. The CSOs also provide a deeper analysis of challenges the State Party has experienced and recommend measures which in their view should be introduced in order to better implement the Convention in future.

Methodology and approach

3. The CSOs methodology and approach to compiling this report has relied on desk research and consideration of information gathered from several of their gatherings whereby the implementation of the Convention was deliberated. A consultative one-day validation workshop was held to validate the contents of the report. The workshop was attended by twelve participants representing eight organizations most of which operate in ten districts of the country while two focus on two three districts only, Leribe, Thaba Tseka and Mphahlele. The focus areas covered by these organizations include human resource development; governance; gender equality; professionalization of child and youth care work; alternative care; justice for children; monitoring and evaluation; child protection and advocacy; CSOs capacity building. The list of participants is attached as Annex I.
4. The CSOs' report has not necessarily been prepared by a coalition, but by individuals who have a history as child rights advocates including a fair amount of knowledge and experience of the child rights sector in the country. These individuals have also been involved in reporting processes of the same type before. UNICEF engaged these individuals to lead the CSOs in process.

5. The methodology and approach have been influenced by the capacity the CSOs possess, the expertise they have for preparing reports of this nature, together with the lack of resources and the word limit set for the CSOs report. Due to these constraining factors and, as permitted in the guidelines, this report has spent more time on a few key themes that correspond with those addressed in the Concluding Observations the Committee presented to the State Party in 2001. The CSOs feel that since that from that time, very little has been done to address the Committee's concerns.

Structure and Content of the CSOs' report

6. The CSOs' report has avoided an article-by-article approach. It has made a section-by-section analysis of the State Report, following clusters in the official reporting guidelines for States. But it has dwelled largely on two selected themes namely, the general measures of implementation and family environment and alternative care that individuals who compiled this report work in and, in their opinion, are the ones in which serious gaps and delays in implementation of the Convention have been identified. As far as the CSOs are concerned, issues raised under these themes call for urgent attention if the country is to make headway in implementing the Convention.

General Measures of Implementation

Legislation

1. Situation analysis

7. Efforts to bring domestic legislation in line with the principles and provisions of the CRC have taken place as recommended by the Committee through the enactment of the Children's Protection and Welfare Act (CPWA) 2011 which admittedly took a very long time to be passed by Parliament. The Law Reform process that culminated in this piece of legislation was financed by Save the Children (UK) UNICEF and Save the Children (Sweden).
8. Since 2001, the State Party also made great strides in developing policies and other legislation (e.g. the Education Act, 2010; the Anti-Trafficking in Persons Act, 2010) and relevant strategic frameworks which uphold children's rights to private and family life in compliance with international standards. Over the reporting period, the policy and legislative environment for the promotion and protection of child rights became highly conducive and enabling.

2. Comments on the State report

2.1 Good practices

9. During the period 2000 to the present, Lesotho has been applauded for its ability to develop up-to-date, relevant and CRC compliant laws and policies. The CPWA, despite the gaps still to be tackled under the ongoing amendment process has been acclaimed to be a highly comprehensive piece of legislation.

10. The approach of developing the child rights legislation through highly participatory processes which included children became a good practice that many countries felt it needed emulating.
11. The costing of the CPWA is commendable as no other legislation in the country has ever been subjected to such a process.
12. While many customary law practices inconsistent with domestic legislation and international standards are still practised, there is a provision in the CPWA that states that where there is anything contrary or less protective or less promotive in any law including, application of any informal and traditional regime, the provisions of the CPWA should prevail. The enforcement of this provision of the law would serve to protect the best interests of children.

2.2 Challenges and difficulties

13. Six years since its enactment, there are still no regulations to support the implementation of the CPWA. The process of developing such regulations for this legislation started nearly five years ago and there is no clear explanation about what is delaying the process and government has failed to provide feedback to stakeholders as to what is happening. Activities undertaken to disseminate the Act broadly following its enactment have been extremely limited. Hence, the public and many service providers do not have sufficient understanding of provisions in it. This is one of the major reasons why violations of children's rights continue at an alarming rate because people in the communities are not aware that this law exists to protect children, and that it empowers them to report such violations.
14. Implementation of policies and legislation in Lesotho has always been known to be extremely poor and this is often associated with lack of necessary financial, human, etc. resources, poor coordination and lack of appropriate planning. The situation regarding implementation of frameworks pertaining to children has not been any different. The period for the implementation of most of the child rights policy and strategic frameworks listed in the Common Core Document has lapsed and, yet there is no demonstrated change that their implementation has left on the lives of children. Only the Multi-sectoral Child Protection Strategy 2014-2018 and the National Strategic Plan on VC (NSPVC) 2012-2017 remain on schedule though they will also be lapsing soon. Their impact is likewise insignificant.
15. Because the Convention has not been adequately disseminated and popularized, its application in the State Party has similarly been very limited. In addition, many initiatives whether undertaken by government or non-government actors are seldom guided by it. Equally, the State Party did not disseminate the Committee's 2001 concluding observations. For this reason, the recommendations of the Committee have not been implemented.
16. The Law Reform Commission made significant contributions in ensuring that laws inconsistent with the Convention are reviewed and amended, giving birth to laws including, the Sexual Offences, Act 2003; Married Person's Equality Act, 2006 and the CPWA. However, the Commission has not developed nor ensured harmonization of any additional laws

beyond 2011. For instance, the Marriage Law, 1979 which continues to expose children to child marriages that violate their rights in several ways, was already under review in 2010, but the review is still pending.

17. In addition to presumed lack of resources that undermines the work of the Law Reform Commission; it seems there had been no real political commitment to drive the reform agenda forward in the recent years. Also, the good track record and momentum that prevailed in the earlier life of the Commission could not be sustained when the term of office of the then Commissioners was not renewed following change of government.

3. Conclusions and recommendations

18. Swift action should be taken to sensitize the new incoming government about the lapse of most of the policy and strategic documents relevant to children's rights and about the urgent need for developing new frameworks including, legislation covering all children within the context of forthcoming national reforms.
19. It is proposed that a multi-sectoral committee of experts should be established to advise policy makers and legal drafters on matters concerning developing child-friendly legislation.
20. Immediate steps should be taken to fast-track the development of regulations for supporting the implementation of the CPWA and complete amending the Act as necessary. These processes should continue to be as transparent and consultative as required. CSOs recommend that there should be a Working Committee to help fast track the process and should include people who understand children's issues.

Coordination and Implementation

1. Situation analysis

21. While the indivisibility and multi-sectoral nature of children's rights as enshrined in the CRC is beginning to be realized by several actors, very little has happened by way of putting together a child rights governance system that can ensure the visibility, acceptability, advancement and realization of the broad spectrum of children's rights whose implementation responsibilities fall under different role players.
22. In the Ministry of Social Development, under the Directorate of Children's Services, there is no structure responsible for dissemination of the Convention. Therefore, it remains largely unknown and it certainly has no bearing on many initiatives implemented by government and non-government actors.
23. The government remains without an organized structure responsible for children's affairs at the national, regional or district levels. The Ministry of Social Development (MOSD) is regarded as the one having responsibility over children's issues. In reality, it has a broader mandate over welfare, family, disability, social protection, elderly and community development issues. The case in many State Parties is that these issues tend to carry greater political clout and influence. Hence, they overshadow children. Further evidence shows that MOSD does not have overall mandate on all children and issues pertaining to them. In

practice, it only deals with issues of children regarded to be vulnerable due to a variety of circumstances including, orphanhood.

24. Another factor that undermines efforts to coordinate implementation of the Convention is a lack of clarity of roles between the MOSD and the Ministry of Law, Constitutional Affairs and Human Rights in terms of who really has the mandate to facilitate implementation of the CRC. Sometimes, an impression is given that the latter is the one charged with that responsibility.
25. Within the MOSD Headquarters, there is the Directorate of Children's Services. There is also a coordination mechanism called the National Orphaned and Vulnerable Children Coordinating Committee (NOCC). At the district levels, the NOCC is assisted by the District Child Protection Teams (DCPTs) to fulfil its mandate regarding orphaned and vulnerable children and not over all children.
26. Coordination between government and non-government actors is also poor. Due to its low profile, the other high-powered ministries refuse to willingly be directed and coordinated by MOSD in relation to matters concerning children's Convention. The implementation of this instrument by all parties has, therefore, been ineffective and inefficient.
27. During the past decade, the government through the MOSD (formerly the Department of Social Welfare (DSW)) has been making efforts to seek both technical and financial support from the EU, Global Fund, UNICEF and USAID (through Management Sciences for Health) to strengthen coordination of child protection at the district and national levels through District Child Protection Teams (DCPTs) and NOCC. Among others, the DCPTs were trained on coordination issues and leadership and management so that they could effectively promote and manage collaborations in the districts and communities. However, the support that the Ministry received was based on the lifespan of the partners' projects, investments made and outcomes achieved could not be sustained.
28. Civil Society Organizations (CSOs) that work with children's rights also have coordination issues of their own. The Child Rights Coalition on the Rights of the Child (NGOC), that used to be powerful and active around 2000 and played a coordination role following the submission of the Initial Complementary Report to the Committee, has gone dormant. The Commission of Women and Children within the Lesotho Council of Non-Governmental Organizations (LCN), has not given much attention to children's rights and issues.
29. Efforts are underway to empower the Letsema Network that used to coordinate primarily community-based organizations providing services to children to take over the child rights coordination role. However, this process is only at its initial stages, a lot remains to be done to achieve this vision. Given the widespread lack of knowledge about the Convention among the CSOs and meagre resources (human and financial), Re-energizing the Network in the manner suggested is going to be a daunting task.
30. Letsema Network has recently joined the Child Rights Network of Southern Africa (CRNSA) and has been getting a very limited support since 2016 to develop its first strategic plan and convene few stakeholder coordination meetings. UNICEF also contributed to these processes together with the MOSD. CRNSA's primary mandate is to strengthen child rights

networks in Southern Africa, and it has made a commitment to help Letsema Network with resource mobilization and capacity building in technical child protection areas.

2. Comments on the State report

2.1 Good practices

31. The MOSD should be applauded for having been part of efforts to get the CSOs organized and coordinated.
32. The Non-Governmental Coalition on the Rights of the Child (NGOC) left a mark of activism around the year 2000 when it took over the coordination of child rights CSOs after the Save the Children (UK) pushed for its establishment after leading the first CSOs involvement in submitting a complementary report to the UN Committee and including a child participant in its delegation.
33. The Letsema Network has also previously made a record in leading the process of preparing the CSOs first report to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).
34. One of the great achievements from the investments made in strengthening DCPTs especially in the last six years was the introduction of a Peer Review Mechanism for DCPTs from ten districts of the country. This peer review provides an opportunity for DCPTs to come together annually and assess each other's performance based on a set of certain criteria with specific assessment areas including, building institutional Capacity (of DCPTs); social and community mobilization; mobilizing and engaging community and religious leaders; and coordination and management. These technical assessment areas are also based on the NSPVC performance indicators as articulated in the NSPVC Action Plan. Therefore, the annual peer review is an opportunity to determine if the work of CSOs and relevant government departments at the district level was aligned to the NSPVC. However, the MOSD is challenged to institutionalise and consistently continue with this practice due to limited resources.

2.2 Challenges and Difficulties

35. Effective coordination between ministries and departments, among the regions and districts as well as between government and civil society is extremely poor. Without such coordination, the quality and efficiency that could be promoted through the collective use of expertise and resources in planning and delivery of services for the benefit of children is compromised. Furthermore, there is no standardization of practices and processes among the different actors, whether governmental, non-governmental, or between both. There is no effectiveness of policy, planning, implementation and achievement of development goals pertaining to promotion and protection of children's rights.
36. Currently, CSOs working in the child rights sector have no memorandum of understanding with government. There are, however, agreements signed by the government (especially MOSD) with respective organizations the majority of which are residential care facilities receiving subventions. The result of this has been that these organizations often tend to owe

allegiance to government demonstrated by their reluctance to getting involved in efforts aimed at CSOs coordination and reporting on the state of child rights in the State Party.

37. The MOSD (established in 2011) is relatively young, not high profiled, small, under-resourced and lacks the authority and autonomy needed to exercise cross-sectoral coordination among government ministries and departments, among the regions and districts as well as between government and civil society to guarantee the recognition of children's rights by all of them and by other actors outside government.
38. Efforts to empower the Letsema Network mandated to coordinate CSOs and CBOs are seriously hampered by the lack of resources to facilitate its weaning from its host organization (Sentebale).
39. The costs associated with support for NOCC have largely depended on donor support and have not been absorbed by the MOSD.
40. Because the Convention has not been adequately disseminated and popularized, it is not directly applied in the State Party. Many initiatives implemented by government and non-government actors are not guided by it. In addition, there are no CSOs working in the areas of adoption; juvenile justice; leisure and cultural activities; child labour, children living and working on the street including, play; among others covered by the Convention.

3. Conclusions and recommendations

41. Speedy action should be to establish a government structure that will have mandate on coordinating all efforts regarding dissemination, popularization and implementation of the CRC.
42. The government should develop a comprehensive child protection policy which addresses the needs and interests of children in general as a matter of urgency. However, there is yet to be broader discuss on whether the country should have a single all-embracing framework that would address the needs and interests of all children or continue with multiple frameworks on different areas.
43. UNICEF in collaboration with other development partners should be requested to continue supporting efforts regarding coordination within government and between government and relevant CSOs.
44. As the country prepares for reforms of existing laws and development of new ones, it will be critical for the MOSD and CSOs to find their space in the reform processes and advocate for laws which will give coordination structures, at all levels, a legal standing so that they can be recognised even when public resources are allocated.
45. An intensive strategy must be quickly devised to mobilize resources for supporting the Letsema Network to become a strong, vibrant, effective and independent child rights coordinating body for the CSOs.
46. The CSOs recommend that the MOSD invest more efforts and resources in the annual DCPTs peer reviews as those served as a motivation for stakeholders to regularly check their performance and alignment with national priorities as far as child protection is concerned.

Monitoring

1.1 Situation analysis

47. Because of the delay in establishing an independent human rights commission as per the 1995 decision taken by government, child rights actors in the country attempted to push for entrenching a Children's Rights Commission in the CPWA 2011. That move was, however, rejected during the stages leading to the finalization of this legislation on the point that the setting up of the national commission was eminent. It is now sixteen years since the initial report to the Committee and six years after the enactment of the CPWA, but the State party is still without an operational mechanism for monitoring the implementation human rights standards including, those of children.
48. As part of efforts to respond to the Committee's comment that the State Party should expedite the establishment of an independent human rights body, in 2016 the Parliament passed the Human Rights Commission Act. However, the processes leading up to the development of the Act have been highly contested mainly by the CSOs as they were found not to be inclusive and participatory and to a large extent not in line with the Paris principles. This led some of the human rights advocacy CSOs namely, the Transformation Resource Centre (TRC) and the Development for Peace Education (DPE) to file a case in the Constitutional Court demanding that the processes that led to the Act be set aside for non-compliance until the voices of the people had been heard. The case was decided in February 2017.

2. Comments on the State report

2.1 Good practices

49. The human rights are still determined to play their oversight role in a coordinated manner hence their preparedness to challenge the above-mentioned Act.

2.2 Challenges and difficulties

50. The Human Rights Commission Act as it stands does not explicitly show how children's rights will be dealt with in the Commission. The argument is that when regulations for the Act are promulgated, such details concerning sub-structures of the Commission will be attended to.
51. CSOs strongly feel that the processes that led to the development and the passing of the current Human Rights Commission Act were not participatory and did not fully comply with the Paris principles.

3. Conclusions and recommendations

52. The child rights CSOs should join the call by other human rights CSOs for the current Act to be part of the upcoming reforms and be amended to truly reflect the spirit of an independent and inclusive human rights commission.
53. CSOs strongly propose that an office of an ombudsman for children be established for fear that children's issues in the national mechanism would be overshadowed like it is often the case.

Data collection

1. Situation analysis

54. Collection of systematic research-based and compilation of well-disaggregated reliable qualitative and quantitative data on children has never been the norm in Lesotho. Even after the ratification of the Convention, implementation started without a comprehensive situation analysis of the status of children's rights being undertaken.
55. Where available, data on children do not extend over the whole period of childhood. In health, for example, a gap in information has been identified particularly for the 6 to 14 years age-group.
56. The available research-based data also do not cover the broad spectrum of children's rights contained in the Convention. While nearly all existing policy documents contain a specific sub-section on monitoring and evaluation, and sometimes, research, which, in addition, point to the need to develop relevant indicators, it is disturbing that analysis about the situation of child rights, including in this report (13 years after receiving the Committee's concluding observations and recommendations), has to rely on data that is in descriptive qualitative form. So far, it is impossible to present knowledge about the situation of children in the form of facts and figures relating to violations of the rights of the child, numbers and characteristics of children with e.g. disability, marginalization, vulnerability, inequality, discrimination disaggregated according to gender, age, income and other factors. There are also no data on gaps of implementation of various rights of the child.
57. Unlike in other neighbouring countries in the sub-Saharan region, Lesotho has not established even a single dedicated mechanism or institution that can be regarded as a focal point for the collection and analysis of child-rights data related to clusters in the Convention.

2. Comments on the State report

2.1 Good practices

58. Child poverty study in Lesotho demonstrated that is possible to extract rich and well-disaggregated information from raw data generated from previous censuses and demographic health surveys to shed light on the children's situation in a cost-effective manner and to publish policy briefs out of the analysis.
59. In countries such as South Africa, Zimbabwe and Botswana, it has also become a common practice that annual comprehensive reports on children's issues are published and widely disseminated. These reports are being used to inform and facilitate public debates and engagement, planning, programming and legislative and policy development on various topics pertaining to children's rights.
60. The government has recently embarked on an initiative to integrate all its data management systems in order to improve reporting and ultimately inform future interventions. However, the effectiveness of the New Integrated System for Social Assistance (NISSA) is yet not

known as it is still at a pilot phase. This system is also focused on social assistance and, though it is commendable, the information collected and used does not cover all areas of the CRC nor is it aligned to existing legislation and policies.

2.2 Challenges and difficulties

61. Actors in the sphere of child rights and academics have shown little interest in conducting research on children's issues generally.
62. No successful effort has ever been made to develop nationally appropriate child-sensitive indicators for guiding research as well as for monitoring and evaluating the situation of child rights.
63. Because of the lack of a holistic approach by government concerning child rights, development partners and donors have not shown much enthusiasm to invest in exercises of this nature except where they are supporting a specific programme or project that requires baseline information.
64. While child marriages are without a doubt increasing despite recent efforts to advocate against such practices, there is no data providing a clear picture on its magnitude or trends.
65. As far as data collection and monitoring systems are concerned, the MOSD has a small unit for monitoring and evaluation which is under-resourced in terms of human and financial resources. The Ministry has largely and largely depended on external support to sustain the work of their M&E Unit. Therefore, with shrinking donor support, it becomes a challenge for the Unit to effectively and sustainably carry out its functions. Another challenge that was observed in recent years was that the MOSD's monitoring tool, the Social Welfare Routine Information System (SWIRS) was limited mainly to a certain set of services and did not have provisions for monitoring the extent to which CRC is implemented or integrated into the work of service providers – both governmental and non-governmental actors.

3. Conclusions and recommendations

66. The State Party in partnership with academic and research institutions including, interested CSOs should urgently embark on a comprehensive process of developing child-sensitive indicators and generating a mass of information. An agreement should be entered into with international organizations to support this venture technically and financially. Most importantly, once developed these indicators should be institutionalised in all sectors concerned with child rights. The CSOs further urge the MOSD to include these child sensitive indicators in their system (NISSA) to address concerns raised by the Committee.
67. It is evident from current and previous interventions that lack of adequate and well documented data undermine investments made in child protection sector in many ways including uninformed planning and programming. When data is not available it negatively affects government's efforts to develop, reform and implement policies and laws which will be responsive to the needs of children, their families and communities.

68. The MOSD’s monitoring systems or tools should be more comprehensive and cover all aspects of the CRC so that its implementation can be enforced amongst all CSOs without distinction.
69. The African Women’s University in Zimbabwe has launched a child-sensitive post-graduate Diploma programme. This is yet another lesson from which Lesotho can draw experiences.

Budgetary and other resources

1. Situation analysis

70. Available evidence and progress made this far concerning the implementation of the CRC indicates that very little has been achieved beyond the development of new laws, policies and programmes. Implementation of the Conventions and of the above-mentioned domestic frameworks has been throttled by failure to mobilize, and allocate sufficient financial resources for the promotion of children’s rights as enshrined in the work related to the Convention. The budgeting processes up to now have not been child-sensitive since they are still far from using tools for making children visible. Budgets are never made in relation to regional and international commitments, nor do they ever take into context regional economic imperatives.
71. Fulfilment of children’s rights remains lagging behind because the executive, legislature and judiciary are hardly ever sensitized on what kind and amount of resources are required to advance the rights of children in an equitable and sustainable manner.
72. The CSOs are concerned that despite a recommendation by the Committee for the State Party to increase budget allocations for interventions related to children’s rights, very little has been done. This is in spite the fact that each year when the government makes budget speeches it articulates its commitments through the themes of such budgets, which unfortunately are never fully translated into action. For example, looking back at the budgets of the last three years (2013/14; 2014/15; and 2015/16), total allocations for the MOSD, which is responsible not only for vulnerable children, but also for all other groups such as the elderly, people with disabilities etc., were shockingly low – below 2% of the total proposed allocations or expenditures, as displayed in the table below.

Fiscal Year	Total Allocation	MOSD Allocation	MOSD Percentage
2013/14	M14,566.5 billion	M187.1 million	1.28%
2014/15	M15,465.2 billion	M192 million	1.24%
2015/16	M16,349.5 billion	M226.7 million	1.38%

2. Comments on the State report

2.1 Good practices

73. The CPWA, is the only framework costed with the intention to inform budgeting and facilitate implementation of this CRC compliant legislation.

2.2 Challenges

74. One of the challenges is that the national budget processes are not always open to members of the public including children and child rights CSOs to fully engage with the proposed budgets so that they can inform them. This makes it difficult for CSOs to monitor or track the public budget. The government does not share the public budget performance indicators to allow an easy budget tracking, if at all they exist.

75. As a result of low budget allocated to MOSD, subventions for child rights CSOs and care facilities are low; hence child grants and bursaries are limited.

76. The costing of CPWA that was done in 2014 has not been implemented and, like other domestic strategic frameworks its two-year time frame will soon be lapsing.

77. Regular changes in government due to political instability have been observed to contribute to low spending capacities and underspending of the allocated budgets consequently, huge chunks of resources are returned into government coffers unspent.

3. Conclusions and recommendations

78. Legislation, policies and programmes cannot be implemented without necessary financial and human resources. Mobilised, allocated resources must be spent in an accountable, efficient, equitable, transparent and sustainable manner. National budgets are, therefore, closely linked to the fulfilment of legislative and other related measures.

79. For the Convention to be implemented, budget allocations must be made with the best interest of the child in mind and as being of primary consideration.

80. To fulfil the rights of the child, all levels and structures of the executive, legislature and judiciary must be equipped with sufficient resources. These structures must be able to demonstrate ability to mobilize, allocate and spend budgets to maximize the fulfilment of all children's rights and avoid mismanagement of resources through corruption, unnecessary expenditure and other wasteful practices.

81. The picture that is shown in the table above is worrying given that children hold the future of this country, and one would expect that most of the investments by the State would go toward supporting their development. However, in practical terms, the commitments that the government usually makes through the themes of the annual budget speeches do not seem to have children at their centre. In 2013 the theme for the budget speech was: *Promoting Growth for Economic and Social Development*; in 2014 the theme was: *Beyond Stability Towards Economic Transformation That Works*; and in 2015 the theme was: *Bringing Back Hope – Restoring Good Governance Through Efficiency, Accountability,*

Transparency, Effectiveness and Equity. However, all these statements did not translate into visible public investment in children's rights. The saddest thing instead is that the government's efforts to "bring back hope" were marred by a spate of corruption cases that were reported.

82. Therefore, CSOs recommend that the government substantially increases the budget for MOSD so that children's needs and rights as provided for in the CRC can be effectively addressed. The CSOs further urge all government Ministries to have a line for investment in children in their budget allocations.
83. Another important recommendation is that the government should make all budgeting processes open and allow CSOs including those involved in child rights to take part in all the stages of budget development.
84. CSOs are concerned with their little participation in the processes of developing National Strategic Development Plans (NSDPs). Therefore, they recommend more involvement of CSOs in these processes so that they can advocate for inclusion of children's issues in the NSDP.

NGOs and international cooperation

1. Situation analysis

85. CSOs including, faith-based organizations, community-based organizations and other community level grouping (e.g. support groups) as non-governmental entities play a critical role in the delivery of services to children. Their contribution is mostly visible in the provision of health and welfare, education and alternative care. They have also contributed immensely to participatory processes during the development of laws, policy and other strategic documents aimed at optimizing the realization of the broad spectrum of children's rights. However, available evidence indicates that CSOs working with and for children are weak in budget-tracking and in mobilizing resources. They have often demonstrated willingness to cooperate with international organizations but most of them have little knowledge and skills to help them succeed in such endeavours. This stands as a major impediment to attaining optimal levels of functioning.
86. It is however important to indicate that in the last 15 years since the initial reporting, Lesotho has received a relatively good technical and financial support from Development Partners to improve the situation of children's rights. This resulted in the enactment of new legislation that sought to among others bring an end to violations of children's rights. These include the Sexual Offences Act (2003) and the Child Protection and Welfare Act (2011). Furthermore, the cooperation between local NGOs and international NGOs is beginning to grow. For example, UNICEF with support from European Union provided technical support to CSOs involved in child rights through the District Child Protection Teams to help improve coordination and knowledge of child protection issues. In the same way, USAID through Management Sciences for Health invested a lot of resources to build capacity of local CSOs on child rights related issues in the last ten years alone.

2. Comments on the State report

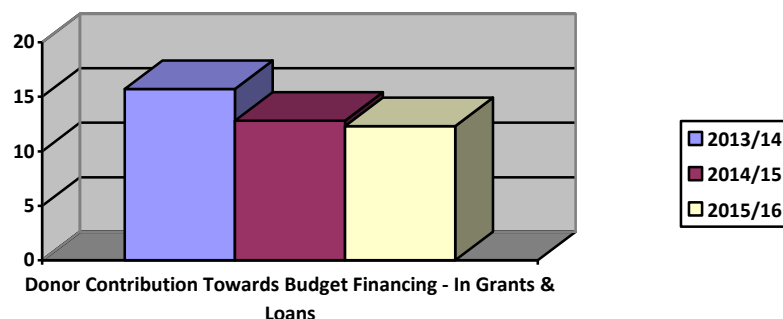
2.1 Good practices

87. There are efforts in place to build a healthy ‘tripartite’ relationship between local child rights CSOs, international NGOs and the government through its MOSD when it comes to improving the situation of children’s rights. Even though the relationship is not yet strong, there is an emerging sense of receptiveness amongst these three parties and recognition of a need to work together for the sake of children. This was evidenced by the collaboration that all the three parties demonstrated in 2015 when Lesotho hosted its first National Conference on Vulnerable Children with support from USAID and UNICEF.

2.2 Challenges and difficulties

88. The biggest challenge now threatening the cooperation between local NGOs/CSOs and international partners is the shrinking external financial support largely due to the economic recession experienced since 2008 and other negative factors that ensued. Even though the global economy is said to have recovered a bit with growth expected to be 3.4% in 2017, there are no guarantees that NGOs in developing countries will continue to get financial support to carry out their mission. The emerging economies such as China and India do not seem to have interest in providing aid to development work done by NGOs in Africa..

89. The reduction in foreign aid is also evident in the national budget allocations and expenditure. For example, looking at the budgets of the last three years – 2013/14; 2014/15; and 2015/16, one can see graph going down.



90. A recent change of administration in the United States of America also poses a serious threat to international cooperation and to continued relationship between local NGOs and Development partners as it comes with protectionist measures against foreign aid. “The Trump administration proposes a 30.8 percent cut to the overall foreign aid budget, according to a State Department budget document obtained by Devex” (www.devex.com).

3. Conclusions and recommendations

91. The current legislative environment does not enable the CSOs to operate freely and optimally in the implementation of policies, laws, and programmes that contribute towards the realization of children’s rights. CSOs also operate under stringent conditions and extreme lack of resources as they do not have strong collaboration and cooperation with government and international organizations.

92. It is recommended that the State Party should urgently review the legislation governing the registration and operation of CSOs to ensure it regulates and creates ways in which they can collaborate and cooperate meaningfully with the government and international organizations.
93. It is critical that the CSOs and Development Partners engage in structured discussions on how local NGOs can build and strengthen their financial sustainability using the currently available resources. Most importantly, the Development Partners should design their partnership agreements with local CSOs in such a way that they allow flexibility for the local CSOs to reinvest part of the funding they receive so that the child protection work can be sustained.

Dissemination and Training on the convention

1. Situation analysis

94. Dissemination of the Convention is not done on a continuous basis and with the rigour it deserves at all levels of society as there is structure mandated with such responsibility.
95. Building the capacity and training of a broad range of people who work with and for children is of outmost importance. During the development of the CPWA, capacity building activities were organized for government officials, parliamentarians, members of the judiciary, community and religious leaders, teachers, social workers, police, correctional services personnel and CSOs. The content covered was related to all thematic areas in the Convention. Capacity building efforts offered currently are not well planned, are often once-off events and they largely yield unsustainable impact for improving knowledge, skills and service delivery among different the cadres of the social service professions that work for and with children.

2. Comments on the State report

2.1 Good practices

96. The development of legislation for social service professions is already in the pipeline under the leadership of the MOSD. This is going to provide an opportunity for strengthening and building the capacity of these professions including the child and youth workforce and others. There will be increased accountability once the legislation introduces the practice and ethical standards for these professions.
97. The ongoing process by several CSOs for establishing the child and youth care association will contribute towards the strengthening and professionalization of this workforce as well as to improving service delivery for children throughout the country particularly in the rural communities.

2.2 Challenges and difficulties

98. The pre-service training programmes in tertiary institutions that produce the workforce for cadres listed above has insufficient content on child rights. In-service training programmes on child rights are also available on a regular basis.

3. Conclusions and recommendations

99. A child rights public awareness strategy must be developed to ensure that relevant education on the Convention reaches all people.

100. The content of child rights must be integrated into professional training curricula, codes of conduct and educational curricula at all levels.

101. A training programme that will professionalize child and youth workforce in a way that creates a definite career-path for people who work for and with children must be introduced as it is happening in other countries in the region.

102. The MOSD should support the establishment of the association of child and youth care workers as it will complement the work done by social workers and other government service providers especially in rural places. The deliberations over the social service professions bill should involve all relevant stakeholders over and above social workers.

DEFINITION OF THE CHILD

1. Situation analysis

103. The Child Protection and Welfare Act (CPWA) defines a child as any person below the age of 18. However, there are still different contracting definitions used to refer to children and the process to harmonize legal frameworks that affect children has not been initiated. Therefore, some of the concerns raised by the Committee in 2001 still exist as far as the definition of the child in Lesotho is concerned.

2. Comments on the State report

2.1 Good practices

104. The CPWA is a commendable achievement in terms of defining a child in Lesotho, in line with the UN-CRC. Even though other definitions in other laws are inconsistent with the CRC, the CPWA should prevail.

2.2 Challenges and difficulties

105. The main challenge with CPWA is that it is still unknown to many including, the judiciary as well as lawyers and its provisions for the definitions of the child and how they affect other existing laws are not generally understood. Hence, implementation is poor. This is worsened by the absence of regulations for the Act.

3. Conclusions and recommendations

106. The urgency for harmonization of existing laws and to repeal those that are not consistent with the CRC and CPWA cannot be overemphasized. Therefore, the CSOs urge the government to seriously take into account the concern over the inconsistent definitions when embarking on the law reform processes.

GENERAL PRINCIPLES

Non-discrimination

1. Situation analysis

107. Despite the existence of CPWA discrimination still exists in many different forms. For example, discrimination against children with disabilities is a serious challenge especially because the country still does not have laws that specifically protect the rights and best interests of persons with disabilities.
108. Customary law has not been amended or repealed and continues to discriminate against women and girls as previously reported to the Committee.
109. Access to education is still a challenge for many of Basotho children especially in the mountainous areas where schools are too far and children walk long distances in the difficult terrain. The situation is even more difficult for girls as they are prone to abuses and harassment on their way to and from school.

2. Comments on the State report

2.1 Good practices

110. The last decade saw increased efforts by disability organizations with support from other CSOs to sensitize communities about the effects of discrimination against people with disabilities.
111. There have been increasing efforts to include the most vulnerable groups of society in making decisions issues that affect them. The recent inclusion of the Albinism Multipurpose Association in the child rights advocacy agenda is commendable.

2.2 Challenges and difficulties

112. The challenge in Lesotho is that discrimination in all its forms is not considered an offense punishable by law. Therefore, this undermines efforts that are being made by different human rights organizations (including women's groups) to end discrimination against other people based on their age, race, religion, political affiliation, and gender.
113. Lack of knowledge and skills among different service providers to identify disability and its different forms persists.

3. Conclusions and recommendations

114. Discrimination in all its forms negatively affects a dignity of a person. It also can prevent people from realizing their full potential in society. Therefore, the CSOs recommend that discrimination in all its forms should be treated as an offence that can be justiciable.
115. The CSOs also call upon all key stakeholders including communities to continue raising awareness about discrimination and its impact on the development of individuals, especially children including those born-out-of-wedlock.

The right to be heard and the best interest of the child

1. Situation analysis

116. The country has made commendable progress in promoting children's right to be heard since the initial reporting. CSOs in collaboration with the MOSD have been holding Children's Parliaments almost every year to create space for children to discuss issues affecting them and voice their concerns with regards to their treatment in their homes, communities and in the country as a whole. However, there is still some reluctance in the rural communities to accept that children's voices should be listened to and taken seriously. As indicated in the Committee's concluding observations, this is largely due to some traditional practices and attitudes towards children.

117. The CPWA also has a provision for children's right to be heard and for their views to be respected.

2. Comments on the State report

2.1 Good practices

118. Children's Parliament forums in Lesotho have now become a commendable good practice giving space for children's voices to be heard. Mini children's parliaments are usually held throughout the country under the guidance by different CSOs to address specific issues affecting children.

119. A young journalists' venture has been introduced as a channel through which children can voice their opinions and raise their concerns and interests.

2.2 Challenges and difficulties

120. There are still traditional practices which prevent children from expressing their feelings and views especially to adults. For example, children sometimes are not allowed to respond or state their side of the story when confronted by adults (parents or caregivers). Sometimes children are given tasks that can be harmful to them and they cannot refuse because doing so would be considered disrespectful. This happens in the homes, schools, communities, etc.

121. There are many decisions that are taken by adults and leaders in families, communities, and at the government level that are not in the best interest of the child. The issue of the allocation of public resources or budgets in this country does not reflect that the best interests of children are of paramount consideration.

122. Children's parliaments and other similar structures do not have action plans designed through consultative processes to ensure they get involved in decision and policy making as well as formulation of laws and strategic plans.

123. The children's parliaments do not involve children in the mountain areas namely Thaba-Tseka, Mokhotlong and Qacha's Nek as CSOs who organized these fora do not operate in these districts.

124. To-date, children's parliaments happen as once-off events as the government has not done much by way of building the capacity of these mechanisms and to educate communities about them and why children should be supported in order to be meaningfully involved in these fora.

3. Conclusions and recommendations

125. It is important that child rights CSOs should continue to raise awareness in the communities so that ultimately all people understand and respect children's right to be heard.

CIVIL RIGHTS AND FREEDOMS

Birth Registration

1. Situation analysis

126. The Government of Lesotho has put legislation in place to facilitate registration of children after birth. There is however some inconsistency in the laws that are related to birth registrations, in terms of the time it should take before a child can be registered. The Registration of Births and Deaths Act (1973) considers the registration to be late if it is made one year or more after the birth. On the other hand, the CPWA requires that a child be registered within three months after birth. This requirement applies to both children born alive or stillborn. The CPWA at section 9 also recognises the registration of children who are considered orphaned or vulnerable.

2. Comments on the State report

2.1 Good practices

127. The Ministry of Health continuously carries out national and community level campaigns aimed at promoting birth registrations especially amongst young mothers (or young parents). The Ministry collaborates with CSOs operating in the communities to sensitise communities about the importance of birth registrations.

2.2 Challenges and Difficulties

128. Despite these continuous efforts to educate communities about birth registrations, some parents still do not register the births of their children. This has become evident when parents go to government and non-governmental organizations to seek essential services for their children, and they fail to get assistance because they do not have proper documents. Another example is of parents or caregivers who want to travel with children into the neighbouring South Africa are unable to do so because children have no birth certificates of children that they are travelling with. This is done as part of efforts to prevent child trafficking. During public holidays, when people come home or travel to South Africa, they always get stuck at border gates with children for having no birth certificates for the children.

3. Conclusions and recommendations

129. There is a need for continued joint efforts between CSOs and government through its relevant Ministries to educate families and communities about the importance of birth registrations as that allows children to access services such as education scholarships, vaccinations etc.

130. CSOs recommend that for accessibility, the government should have birth registration services distributed around the country so that they are close to the people.

Corporal Punishment

1. Situation analysis

131. There is legislation prohibiting corporal punishment in the homes, in schools and everywhere in the country exists. In schools, the Education Act (2010) and the revised School Regulations are used to prevent this practice. The CPWA also prohibits degrading treatment in all its forms. However, the practice still continues and is influenced by customary practices. There have been reports of children who are severely beaten by their parents or caregivers as a way to discipline them. Most parents and community members are not aware of the provision of policies and laws which recommend use of positive disciplining.

2. Comments on the State report

2.1 Good practices

132. There are some organizations that have come up with written policies against use of corporal punishment.

2.2 Challenges and difficulties

133. The on-going physical abuse of children (including brutal beatings) in the name of 'disciplining' children shows that most people still do not know or understand the side-effects of corporal punishment on the development of children.

3. Conclusions and recommendations

134. CSOs recommend that the government should work hand in hand with CSOs and put more efforts and resources in the campaigns against corporal punishment of children in all settings.

135. There should also be heavier fines for people who continue to physically abuse children.

Violence Against Children

1. Situation analysis

136. The Constitution of Lesotho at Article 32 makes provisions for children and young people to be protected by laws and policies. As such, the CPWA is put in place to protect children against all forms of violence. Unfortunately there has in recent years been an unprecedented perpetual stream of child trafficking, killings with mutilation of body parts that are said to be sold for "muti", etc., brutal beatings, attacks at night and during the day,

sexual abuse and other physical and emotional abuse happening to children in their homes. 137. The law enforcement agencies, especially the police unit responsible for child protection (Child and Gender Protection Unit) is not adequately resourced to deal with these multiple cases of violence against children. CSOs are also challenged to make a meaningful impact in their campaigns against child abuse due to limited human and financial resources.

2. Comments on the State report

2.1 Good practices

138. The establishment of the Child and Gender Protection Unit (CGPU) is commendable as it shows the intent of the government to address violations of children's rights. This is however undermined by the lack of resources to make the unit much more effective in carrying out its mission.

139. There has been an emergence of community policing in the last decade, locally known as *Mautloela* meaning vigilante groups with members who take turns at night to police their villages. These groups to some extent play an important role in curbing violence against children.

2.2 Challenges and difficulties

140. The challenge for both the police and CSOs is the lack of adequate resources to effectively fight violence targeted at children.

141. Another challenge, which also prevents the government and CSOs from effectively dealing with the situation, is that there is no data on the extent to which children are suffering from violence. There are two key reasons why data is not available to inform interventions – 1) people are not empowered enough to report cases of violence against children in their communities so most cases go unreported and 2) there are no resources and systems in place to collect and analyse data for decision making in this regard.

3. Conclusions and recommendations

142. The government should invest adequate resources in systems and structures which will help spread the information about the harmful effects of violence against children and prevent new cases of violence. The government should also consider investing more in community policing by further training community policing groups so that they more effectively deal with the problem in the communities, within the confines of the law.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family breakdown

1. Situation analysis

143. Though there are still no supporting statistics, there is abundant evidence which shows that family breakdown continues to be a serious concern in Lesotho. As noted in the Committee's concluding observations this situation is exacerbated by endemic poverty, increasing unemployment and high incidence of HIV/AIDS.
144. Due to additional ramified and diverse factors that are growing in magnitude which include, social ills such as domestic violence (e.g. of physical and/or sexual nature), neglect, abandonment, substance abuse by parents, or being hired out to perform child labour related activities (mainly herding and domestic work), many children are removed from their homes and being placed in alternative care.
145. Furthermore, orphaned children lose their rights over family estates through "property grabbing" often perpetrated by poverty-stricken relatives also get driven away from their families to seek alternative ways of survival including, engaging in criminal tendencies. Hence, some children end up separated from parents and families for having come in conflict with the law. Family breakdown has been spreading over the recent decades and is thus affecting many families and consequently, children around the country by denying them the opportunity of living with their parents in a family environment.

Alternative care

146. During this reporting period, the State Party has worked hard to create a comprehensive policy and legal environment that will attend to the situation of children living without parental care and in different family and care arrangements. To the CSOs, the adoption of these policy and legal frameworks demonstrates the State Party's strong commitment to the conviction that children need to grow up within the family environment and communities. Several of these frameworks provide for family strengthening. For example, the Foster Care and Adoption Policy recognizes the continuing significance of the extended family among Basotho and, therefore, recommends that this structure be strengthened and modernized so that it can be capable of rendering care and support to children as it used to in traditional times. This Policy also recognizes the important role played by traditional leadership (chieftainship) in foster care and adoption. Therefore, it advocates for the strengthening of this institution through provision of relevant regulations and practice guidelines.
147. The National Policy for Orphaned and Vulnerable 2003 provides for foster care, adoption and residential care. In the same manner, the Child Protection and Welfare (CPWA) 2011, contains specific and elaborate provisions which envisage the establishment of a robust alternative care system which includes all alternative care options. The envisaged system prioritizes early intervention support and services within the family and community setting before a child can be declared available for foster care by a non-biological or kin

family member, or adoption, or placement in a residential care facility. Both local and international adoptions are provided for under Part XIII of the CPWA.

148. Part XXII of the CPWA makes additional provisions with respect of institutions for the care and protection of children in need of welfare including, those for whom it is not in their best interests to continue living with their parents. Provisions made in this Part of the Act include those concerning designation, establishment, appointment, registration, monitoring and supervision and revocation of authority and powers to operate children's institutions. The environment created by the CPWA and other related frameworks is highly comprehensive for purposes of promoting and protecting the rights on children not cared for by their families of origin.

149. For purposes of adoption and periodic monitoring of the placement of children in care, the CPWA makes elaborate provisions in relation to consent of parents or guardians in adoption; knowledge of adoption by child; devolution of property on adoption; maintenance of a register of adopted children; etc. Furthermore, the Act makes it possible for civil society organizations to work hand in hand with government in the provision of alternative care services to children. For example, under the interpretation section, it allows for non-governmental organizations to be legally authorized as adoption agencies to facilitate adoption processes under supervision by government.

150. When the State Party ratified the 1993 Hague Convention with respect of Inter-Country Adoption in 2012, the Foster Care and Adoption Policy as well as the Foster Care and Adoptions Procedures and Practice Guidelines were developed. These frameworks were adopted by the Cabinet of the GOL in 2013. The latter is complimentary to the Policy and is mainly intended to facilitate efficient and effective implementation of the CPWA foster care and adoption provisions as well as to create a common platform for ensuring the highest ethical standards in the practice of foster care and adoption by, among others, preventing the sale, trafficking and abduction of children.

151. Currently, multitudes of children separated from their parents are in informal foster care placement based on traditional indigenous practices of the Basotho. This type of foster care was supposed to be discontinued according to the CPWA. However, it continues to apply without any intervention of social workers or judicial court processes. In kinship foster care, most children are taken into care by extended family members. Its dominance is dwindling due to the high levels of poverty, unemployment and food insecurity as today, many families are no longer interested to foster because they struggle to provide care even for their own biological children. Fostering comes with added costs of maintaining an extra child without any material support provided by government.

2. Comments on the State report

2.1 Good practices

152. During this reporting period, one of the State party's good practice based on recommendations of the 2007 Majara Judicial Commission of Inquiry on adoption in Lesotho, the country decided to do inter-country adoptions with only four nation States namely, Canada, USA, Sweden and the Netherlands. In each of these States, there is a nominated adoption agency that facilitates inter-country adoptions for individuals applying to adopt from Lesotho. These agencies have a representative resident in Lesotho. They also have the responsibility of ensuring that regular follow-up reports on the circumstances of adoptees are submitted to the MOSD as expected. The first report in respect of each child is due six months after the adoption is completed, thereafter reports on each individual child are expected at intervals of six months for the duration of five. placement and completion of the adoption, then 12 months thereafter, and at intervals of until the child turns eighteen (18) years. The adoption agencies in the receiving countries have succeeded in ensuring that the reporting requirements are complied with.
153. The MOSD officials travel biennially to the receiving countries to personally monitor and assess the well-being of adopted Basotho children.
154. The government has put in place one of the relevant structures proposed in the relevant Policy and Guidelines mentioned above namely, the Central Authority on Adoptions. The functions of this structure as per the above-mentioned frameworks include the following: accreditation and supervision of local adoption agencies; consideration of whether the adoption procedures and practice guidelines followed by adoption agencies in Lesotho and the receiving countries are acceptable or not; ensure that procedures and practice guidelines are compliant with international standards; gathering information on issues relating to adoption of foreign children and disseminate it accordingly; observing and monitoring trends of costs of related to adoption; negotiating with competent authorities and adoption organizations in receiving countries; conducting and providing information and assistance to local adoption agencies and relevant organizations; facilitating establishment of organizations/associations of adopted persons and adoptive parents; consulting with MOSD, other ministries and agencies whose operations affect adoption issues; and, ensuring that all decisions related to adoptions are made in accordance with national legislation, regulations, policy and procedures and practice guidelines as well as according to international norms and standards concerning adoption.
155. A new child record and child care book developed recently with the support of adoption agencies in countries Lesotho has signed memoranda for inter-country adoption with; is going to be useful for collection of all relevant and disaggregated information of children in residential care from the time of their admission.

2.2 Challenges and difficulties

156. While the policy and legal frameworks highlighted earlier emphasize the importance of the right of children to living in the family environment; they fail to portray the reality that the family has become a highly contested social structure confronted by many diverse

challenges which have transformed its traditional structural character and functioning. Today, the family structure is no longer extended or even nuclear in character; rather, many new family forms have emerged over time e.g. single parent families, child-headed families, etc. in addition, functions and responsibilities that were once the prerogative of the family and parents are now fulfilled by a whole range of persons related to the child such as a grandparent, brother, sister, uncle, aunt or cousin of the child; or even other persons (not necessarily relatives) with whom the child develops a significant relationship, based on psychological or emotional attachment, resembling a family relationship.

157. The high unemployment rate, endemic poverty and food insecurity in Lesotho are persistently impacting negatively on the economic strength and capacity of households as well as undermining the ability of families to provide adequate and quality care and protection to children in accordance with CRC and domestic policies and legislation. These factors render incapable of exercising their responsibilities over children.
158. The high HIV prevalence rate continues to negatively affect many children exposing them to different living arrangements. The CSOs have special concern regarding orphaned children who live in child-headed households (CHHs) without any sort of material support whereby older ones are forced to assume adult responsibility of caring for themselves and their younger siblings sometimes from a very tender age. For the CSOs, CHHs call for urgent attention because none of the existing social protection interventions, whether supported by GOL or development partners, seem to be targeted at them.
159. For a good part of this reporting period, Lesotho has been known to be the world's third country with the highest HIV prevalence rate. The 2013 Lesotho report on achievements on MDGs put it at the world's number two. Therefore, numbers of orphaned children can be expected to continue soaring over the coming years resulting in increased orphaned children including, CHHs.
160. The persistent uncertainty among the public over what foster care and adoption mean due to lack of advocacy contributes to their minimal use.
161. In addition, a significant number of such children in alternative care live with grandparents or other relatives who have inadequate means of livelihood which exposes them to different kinds of neglect, abuse and exploitation including domestic work and herding to an extent that even their rights to education, well-being and good health, among others, become violated.
162. Minimal effort has been made to disseminate the CPWA broadly. Hence, most parents and guardians have inadequate information regarding their duties and responsibilities in relation to child rights and protection. There is also no known parenting education or training programme and/or guiding literature of a similar nature available in the country to assist parents and guardians to acquire meaningful understanding of their duty bearer role in the care and protection of children. This lack of knowledge applies equally to adoptive and foster care parents although the Adoption and Foster Care Policy and the Adoption and Foster Care Procedures and Practice Guidelines of 2012 make

extensive provisions concerning the need to institutionalize pre-preparation education for them.

163. CSOs are concerned that there is little knowledge and understanding about adoption among the public to an extent that several residential care facilities have not heard about it. They also do not know that the country has entered into inter-country adoption agreements with other countries. This explains why there are extremely few care facilities taking part in ongoing adoptions processes including, inter-country adoptions.
164. The MOSD has the power to remove children from parental care or guardianship where it is deemed they need care and protection. Such power extends to placement of children in residential care. While removals of children should be presented to the Children's (magistrates) Courts within 48 hours for legal placement, this hardly happens.
165. The State GOL has no care facility of its own for children removed from their families for a variety of reasons. Thus, there is complete reliance on privately run residential care facilities. These facilities provide care; not only to children whose parents are unable to exercise parental responsibility properly, but also to those who are abandoned, neglected, orphaned, those in emergency situations who need urgent protection and rehabilitation, and abused and exploited.
166. Existing information indicates that, until approximately the year 2000, the use of residential care was manageable for the [then] DSW (now MOSD). Today, even though places of safety are mushrooming all over, most of them are often running at full capacity. There is a serious problem of overcrowding in many of them and conditions in many facilities are of low standard and fail to meet the requirements set in the Standards of Care Guidelines due to under-resourcing and poor management. The CSOs generally hold a view that numbers of children in care facilities have rapidly expanded over the recent yearsⁱ especially, in response to the orphaning of children from HIV/ AIDS and widespread poverty.
167. CSOs appear to know of only one Maseru-based residential facility which accommodates children born to incarcerated mothers who are confined in correctional centres namely, the Good Shepherd Centre for Teenage Mothers. They also have pointed out that it is extremely difficult to find care facilities which are prepared to admit children with disabilities. In addition, there are age restrictions for admission.
168. Section 175 of the CPWA provisions and the Standards of Care Guidelinesⁱⁱ ought to regulate these facilities. The latter were an outcome of a 2004/5 assessment undertaken in selected care facilities but since they have not been adequately disseminated to the operators of the facilities. In the opinion of the CSOs, these guidelines and standards have never been adopted statutorily. Thus, non-compliance with them has no consequence.
169. To date, the MOSD has not established specific units mandated to attend to residential care and foster care issues respectively. The one in place caters for adoption but still lacks capacity, comprehensive understanding of its mandate including, knowledge and skills of the adoption practice.
170. While Government through MOSD contributes towards the upkeep of the children living in the care facilities in the form of subventions, deliberations among the CSOs have

often revealed that, without any clear policy or standard formula, the disbursement of the subventions is guided by an unknown set of procedures and criteria. Such disbursement does not seem to be based on the population of children in the care facility at a given time, or the needs of children (e.g. food, clothing, education, and health), or inflation rates, etc. The amounts disbursed are highly inadequate for purposes of meeting the listed needs of children. Payments are often delayed and do not come at regular intervals (annually, as apparently it is supposed to). Another concern is that, some care facilities have never received any subvention.

171. The government has not yet developed a system of coordinated grants, tax incentives and other packages of support for institutions caring for children pursuant to the provisions of various policies and legal frameworks that are in place. For example, care facilities report that they continue to bear the costs of obtaining court orders for placement of children on their own because the MOSD has not put in place any administrative procedure to rescue the facilities from this kind of expenditures.
172. CSOs are concerned that there is scanty and very little well-disaggregated information kept by the MOSD's Directorate of Children's Services on the number of existing residential care facilities, quality of care they provide or on the population of children accommodated and their gender, age and reasons for admission, length of stay, place of origin, etc.
173. The facilities are not being regularly inspected by Ministry. Some of the facilities look overcrowded and have inadequate habitable space. Information obtained from some CSO members is that some care facilities are registered with the Community Councils; not with the Ministry as required by the law. Children are admitted based on "letters" (savingrams) from the chiefs or are brought by community members rather than referral by social workers from MOSD. CSOs tend to agree that placement of children in care facilities while this is the predominately used form of alternative care, it is hardly done through court orders as prescribed by the CPWA. According to them this causes very serious concern as it may be open to abuse.
174. Generally, information in the profiles of children in care facilities is very scanty and incomplete. The reason is that most care facilities operate without social workers. In instances where there are social workers, they are reported to lack appropriate investigative and recording skills necessary for this purpose. An additional observation by CSOs is that social worker positions in these facilities are filled by people not qualified in the profession.
175. The system for the establishment of a robust residential care including, guidance, registration, regulation, monitoring and supervision or inspection envisaged under the CPWA has still not been established and the many safeguards prescribed in the legislation are currently not being enforced.
176. The closure of some facilities has been recommended on numerous occasions and this action was effected for some by the MOSD in 2011. However, it is unclear whether there is any documentation or report that can convincingly explain reasons for the closure of those particular facilities as against others. Questions have often been asked whether such

closures were instituted in accordance with the CPWA provisions particularly in terms of preparing children, staff and institutions from where they moved and those they are moved to. It has been reported that actions of removal have occurred abruptly causing alarm and stir among community members near such facilities. Another concern is that children who are moved in this manner never receive any psychosocial counselling. There are reports that some are re-located without appropriate documentation.

177. Currently, a system of maintaining a bank of foster care parents carefully screened and trained to provide care and protection to children outside of institutional care facilities does not exist in Lesotho. This is so even though the CPWA envisages that private homes can be registered with the MOSD to care for children within the family environmentⁱⁱⁱ. The procedures and practice guidelines for delivering foster care and adoption services also suggest that a bank of foster care parents/families be maintained. In terms of this framework, the approval of prospective foster families or foster institutions for the placement of a child should be the responsibility of the MOSD and/or a responsible local foster care agency. But, so far, no action has been taken to implement these provisions.
178. Widespread misconceptions that Basotho children are sold not only to international but to local adoptive parents does indeed persist. This is because, regardless of propositions made in the Foster Care and Adoption Policy, no steps have been taken so far to create awareness and dispel the myths held about it.
179. Few adoptions are being concluded as a result. More children are adopted through inter-country arrangements because of the preparedness of adoptive parents in the receiving States to adopt “special case” children. These are children who are HIV infected or, who have some disability or, are five years old and above or, siblings or, twins.
180. Figures of adoptions concluded over the years seem not to have been generated from the adoptions register which the MOSD is mandated to compile as a requirement in terms of the CPWA nor are they from any of the official Monitoring and Evaluation Unit reports. They are raw data from the Adoptions Unit and they fail to present well disaggregated data. Therefore, there is very scanty information on the numbers and trends in adoptions even though, in terms of the Foster Care and Adoption Policy, the government must monitor and evaluate the implementation of the Policy as well as trends and practices of adoption and foster care service delivery. Regarding actions to be taken for collection of well-disaggregated data, this Policy stipulates that monitoring indicators shall be developed in conjunction with relevant service providers, adoptive parents and adoptees; the internal monitoring and evaluation mechanism within the MOSD shall be sensitized regarding the importance of monitoring the effectiveness and impact of the Policy; reporting systems which link smoothly with other already existing mechanisms for monitoring and evaluating the child rights situation shall be developed; and, research and regular surveys on issues emerging at the national and international levels to generate information that can be used to inform policy review shall be undertaken.
181. Currently, many good provisions from the Policy and the Procedures and Practice Guidelines are still not being implemented. For instance, the Lesotho Inter-country

Adoptions Authority that is said to be in place is not performing the functions set aside for it which are shown earlier. Rather, it performs generic functions of the Adoptions Unit of the MOSD. In addition, it is responsible for matching children available for adoption with prospective adoptive parents. This is considered not to be a good practice by the CSOs as it is likely to cause serious conflicts of interest for the concerned officers.

182. It is not clear how officials get nominated to the Central Authority, what portfolios there are in the Authority, what qualifications or relevant knowledge and experience requirements are needed for nomination/appointment and what term of office incumbents are expected to serve. It does not seem the recruitment is done in a transparent manner as no one seems to have seen the positions advertised.
183. Another concern relates to the seeming lack of capacity in the Central Authority as well as the Adoptions Unit.
184. A further concern among the CSOs and from other quarters is that the trips taken to the receiving States for purposes of monitoring the situation of children adopted from Lesotho are not reserved for officers from the Central Authority who work directly (hands-on) with adoption processes. Hence, they lose-out on the opportunity to meet with their counterparts in the receiving countries. The practice currently is that these monitoring trips should take place biennially. But CSOs raised a question whether this is followed to the letter with the 4 the countries Lesotho has entered into agreement with. The adoption agencies in the receiving countries assist in organizing the trips and paying for the associated costs.
185. The State Report puts it that, potentially adoptable children overstay in residential care facilities because of failure by the latter to make sufficient investigations on children under their care. The State Report further says, under such circumstances, the responsibility to complete investigations ends up falling on the MOSD. The conviction of the CSOs is that, it is correct for the MOSD (not the care facilities), through its Adoption Unit established in accordance with existing Policy and Procedures and Practice Guidelines, to carryout the investigations for purposes of compiling child study reports that inform the adoption processes. The CSOs agree that adoption processes get held up by delays in completing the necessary investigations for deciding on the adoptability of children. Therefore, prospective adoptive parents wait for long periods to be matched and, finally to be granted adoption orders that give them legal permission to have the children as their own.
186. The CSOs have acknowledged that officials in the “Central Authority” and other adoption service providers have received relevant trainings as the State Report indicates. However, the efficacy of such trainings, especially in terms of bringing enhanced understanding of and adherence to the standards and procedures for ethical adoptions practices (e.g. passion, acquisition of specialist knowledge, record keeping, division of roles, matching, accountability, etc.) remains to be established.

3. Conclusions and recommendations

187. The lack of a properly instituted system for establishing, managing, supervising and monitoring residential care facilities, referring children to places of safety, poor recording of details of children and inadequate coordination between government efforts and those of the proprietors of the care facilities complicate the situation regarding placement of children in care even more. The legislative and policy environment on alternative care is otherwise very comprehensive and enabling.

188. The CSOs' recommend that the government should invest more resources into privately-owned facilities and raise the amount payable for subventions as a matter of priority.

The government should introduce tax exemption (or reduced tax) for companies and institutions that provide financial support to care facilities so that they can be motivated to continue doing so.

189. There must be increased effort to advocate for foster care and local adoptions.

190. The Adoption Authority appropriately instituted and local adoption agencies should be established to provide support to the Authority and to speed up processes.

191. The government should make it a requirement for care facilities to develop care leavers programs for children exiting institutions.

BASIC HEALTH AND WELFARE

Basic health

1. Situation analysis

192. Since the initial reporting in 2001 the government of Lesotho has made numerous efforts to improve access to health services and the quality of life for its population including children. These efforts are in line with the country's Constitution, at Article 27 that obliges the government to make provisions for the protection of children's health and prevent new diseases. In the same manner, the CPWA has provisions for children's survival and development and urges the government to put policies and programs in place for improving the primary health care.

193. Even though Lesotho was commended for making progress in some of the Millennium Development Goals (MDGs), health outcomes including HIV/AIDS area was not one of the areas where the country performed well. According to the 2013 MDGs status report, the country was making a slow progress in most of the health-related indicators. Nonetheless, the government demonstrated some commitment through policy frameworks and strategy documents such as the National HIV Prevention Strategy 2012-2016, National Health Policy 2012 and Ministry of Health Strategic Plan 2012-2017. However, most of the public health related policy frameworks were not fully implemented reportedly due to limited resources. These frameworks are not widely known and integrated into CSOs programming because they were not widely disseminated especially to community based CSOs or CBOs who create the linkage between health care facilities and communities and families. As a result, efforts to reverse situations such as high infant mortality are not effective.

2. Comments on the State report

2.1 Good practices

194. The government has absorbed the costs associated with medical exemptions for vulnerable groups including children.

195. The MOSD's Child Grants Program also caters for health needs of children and their families.

2.2 Challenges and difficulties

196. Part of the reason Lesotho did not make a desired progress in achieving the health related MDGs was weak health systems characterised by drugs' stock outs, insufficiently trained health care workers in some health facilities, and lack of (or weak) monitoring and evaluation systems including the supply chain management. These were some of the limitations shared by health care facilities when visited by different CSOs or during joint stakeholder meetings.

197. Inaccessibility of health facilities due to bad roads and other factors contribute to the acceleration of infant mortality rates because mothers cannot get basic health services in time.

3. Conclusions and recommendations

198. For the government to make meaningful and sustainable impact through its interventions, complimented by CSOs, it will need to intentionally invest more in health systems strengthening. This includes training more cadres of health care workers working at different levels.

199. The Ministry of Health can also benefit more from engaging students or graduates who are usually attached to health care facilities as part of their internship, only if they optimise the time spent by such students or young people in health facilities. They can be trained intensively upon their arrival and be deployed in communities to disseminate health related information, without compromising their studies (for those who are still students).

Adolescent Health and HIV/AIDS

1. Situation analysis

200. According to data obtained from the US Centres for Diseases Control's website (CDC) which also cites the UNAIDS Global AIDS Update (2016), the HIV prevalence in Lesotho is estimated at 22.2% among adults 15–49 Years (2015). There are also 9,200 estimated AIDS-related deaths among adults 15+ Years (2015). Looking at the age bracket, these numbers include adolescents. In the same year, 2015 an estimated number of adults living with HIV who were receiving antiretroviral treatment (ART) was 129,127.

201. The Lesotho Global AIDS Response Progress Report (2015) shows that “between LDHS 2004 and LDHS 2009 there was notable decline in the prevalence of HIV among young people 15-24 years from 11% to 9%. Comprehensive knowledge of HIV prevention seems to be static where 39% in women and 29% in men were found to have comprehensive knowledge in 2009 LDHS,

while the 2014 LDHS showed 38% and 31% for women and men respectively.” The same report indicates that prevalence among adolescent girls aged 15-19 is estimated at 4.1% and for boys 15-19 at 2.9%. About 2000 new HIV infections occur annually among adolescents aged 15-19.

202. Lesotho is part of the seven Southern African countries participating in the Sexual and Reproductive Health and HIV Linkages Project supported by the European Union through the Ministry of Health. The project sought to address barriers to efficient and effective linkages between HIV and SRHR policies and services as part of strengthening health systems and to increase access to and use of a broad range of quality services and achieve the goals of universal access to reproductive health. There were two key documents drafted during the implementation of this project:

- 2015-2020 National Sexual and Reproductive Health Strategic Plan
- 2015-2020 National Health Strategy for Adolescents and Young People

2. Comments on the State report

2.1 Good practices

203. The medical male circumcision campaigns that have been championed by JHPIEGO with financial support from USAID were seen as signs of hope contributing to reduction in new HIV infections. The campaigns targeted communities, churches, schools and youth groups.

2.2 Challenges and Difficulties

204. The statistics shown above pose a serious challenge not only to the government but also to CSOs as they are challenged to intervene meaningfully because they do not have adequate funding.

205. While the CSOs commend the government through Ministry of Health for being able to mobilize support for developing the strategies discussed above, they are concerned that these strategic documents do not bring about the expected changes.

3. Conclusions and recommendations

206. The greatest challenge is to reach children and young people with impactful behavioural change messages through communication channels which are appropriate and accessible to them. Therefore, the CSOs recommend that both the government engage children and young people in dialogues aimed at exploring the most effective modes of communication and use technology to reach out to young people.

Harmful traditional practices

1. Situation analysis

207. The CPWA prohibits cultural practices that are harmful to children’s lives, general development and well-being. However, there is contraction between this Act and the Customary Law as the latter promotes harmful practices such as child marriages. In an effort to minimise undesirable consequences of some traditional practices such as deaths resulting from unsafe and unhygienic traditional male circumcision, the government through Ministry of Health has established

collaboration with the traditional medicine practitioners to among others “ensure that circumcision in initiation schools is carried out in accordance with respect for children’s dignity and health.” The GOL has set the minimum age for participation in these rituals at 18 provided they do not inhibit schooling; however, monitoring this is a challenge throughout the country. The traditional male circumcision is practiced together with medical male circumcision in the country. The medical male circumcision campaign was initiated by the Ministry of Health with support from JHPIEGO and USAID to contribute toward reduction of new HIV infections.

2. Comments on the State report

2.1 Good practices

208. The collaboration between the Ministry of Health and traditional leaders’ Association is a commendable step forward to preventing or doing away with harmful traditional practices.

2.2 Challenges and difficulties

209. Though the Ministry of Health would like to reach all traditional leaders and healers with information and education on the effects of some traditional practices, especially on children, they are limited by resources. The Ministry does not have adequate resources either to directly conduct outreach activities or channel resources through the traditional leaders Association for awareness raising.

210. The Customary practices contribute greatly to child marriages.

3. Conclusions and recommendations

211. Since the external support from donors is shrinking, and it shared between the government and CSOs, even though the CSOs do not get a fair share of available resources, it would more beneficial to communities and children if both the CSOs and government Ministries come together to re-strategize and combine their resources and efforts for campaigning against harmful practices. The two parties should develop joint measurable plans whose implementation can be mutually monitored.

Children with disabilities

1. Situation analysis

212. Even though the Constitution of Lesotho under the Principles of State Policy provides that the government must provide for the needs of people with disabilities, including affording them equal opportunities in employment, there is still no law in place to reinforce this provision. In 2011, the government developed a National Disability Bill, and seven years later it still has not been passed by parliament. The Lesotho National Federation of Disability Organizations (LNFOD) has tirelessly been advocating for this Bill to be passed but with no success.

213. According to the CWPA, the child disability definition includes child with intellectual, sensory, or mental disabilities. However, most of the existing interventions, programs and facilities are intended to for children with physical needs. This is against Sections 13 and 22 of the CPWA that provide for all children with to be given an opportunity to enjoy their rights to dignity and participation in order to obtain the greatest degree of decent life, self-reliance, social integration as well as their full potential in society.

214. A well-documented and disaggregated data on children with disabilities by type of disability, age and gender is still not available. The lack of this important data to some extent undermines the purpose of having the programmes like the Community Based Rehabilitation (CBR) program established by the government to be more responsive to disability needs identified in the communities. The fact that the country still has not passed laws specifically protecting the rights of people with disabilities including children shows a non-compliance with the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) that Lesotho has ratified.

2. Comments on the State report

2.1 Good practices

215. Providing annual subventions to organizations of people with disabilities is a commendable practice as these organizations complement the government in fulfilling its obligations. However, the resources allocated to disability CSOs are still very little and the CSOs strongly recommend that they should be increased.

2.2 Challenges and Difficulties

216. People with disabilities (both adults and children) still face a number of challenges when it comes to access to essential services. Most schools in the countries are still not accessible as they do not have ramps for wheelchairs and majority of school do not have teachers who are trained in special education. The needs of people with disabilities in general are not adequately catered for in the national budgets as they share a very limited budget with other vulnerable groups under the MOSD.

217. There is a concern that the amounts given to children and people with disabilities as a form of social assistance are lower in comparison to those give to the elderly. In any family only a maximum of four children in a family qualify for the child grants.

3. Conclusions and recommendations

218. The CSOs urge the government to review the current Disability Bill to check if it is still relevant to the needs of adults and children with disability today, and urgently facilitate its passage in parliament.

219. The CSOs are also concerned that discrimination against children with disabilities still exists in schools and in the communities, therefore, recommend that more efforts and resources be invested in rooting out discrimination in all its forms.

220. Because of the special needs of people with disabilities, CSOs recommend that there should be social grants specifically for children with disabilities.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

1. Situation analysis

221. In line with the Lesotho Constitution that makes it the responsibility of the government to provide education for all, the government has since 2001 created a relatively enabling policy and legal environment for children to have access to education. This commitment is reflected in, among others, the Education Act (2010) that makes primary education free and compulsory for learners aged 6 to 13 for the duration of 10 years. The CPWA also makes provision for children's right to education at Section 11. As a result of the free primary education (FPE) and other factors, the enrolment of children increased from 176,365 in 1999 to 388,681 in 2009. These new laws and policies have also addressed the gender disparity that existed for so long in terms of boy-girl access to education. According to available data from the Ministry of Education the gender parity was reached in 2003 and 2004.

222. The number of pre-schools has significantly increased since 2005. According to the data from Ministry of Education IECCD centres have increased from 1291 in 2005 (with 22,724 enrolments) to 2233 in 2009 (with enrolment of 41,723). These improvements are also attributed to the IECCD National Strategic Plan (2013/2014 – 2017/2018) and the IECCD Policy (2013).

2. Comments on the State report

2.1 Good practices

223. Nothing to report so far.

2.2 Challenges

224. Despite government's efforts to create enabling environment for all children to have equal access to education, some children still do not go to school due to a number of factors including the following:

- In accessible schools' building especially for children with disabilities
- Some parents not seeing a value of education for their children, instead sending them away to work and bring income in the family, e.g. herd-boys. Sometimes they are sent away to work because of poverty in their families.
- High fees for those in secondary and high schools
- Schools are too far for children to work in most communities especially in the rural mountainous areas
- Dilapidated schools' building which are extremely cold in winter seasons and this becomes unbearable to children, so they stay at home in winters
- Poor feeding and sometimes lack of food in some schools due to delayed supplies of food by the government or people who are given the job to supply schools

225. There is also a serious challenge of overcrowding in classrooms in most schools across the country and that to a larger extent affects the quality of education given to children.

226. There is a growing concern from most parents who send their children to private English medium schools that are considered to offer the highest quality of education, that the government does not seem to be able to regulate their fees. The fees are said to go higher and higher each year making it harder for majority of parents to send their children there because they cannot afford the fees. Even though there is no data regarding the accessibility or inaccessibility of these private schools, anecdotal evidence shows that almost every parent would want to send their children to these schools to get a good foundation but they are too expensive for many parents given their economic status.

3. Conclusions and recommendations

227. The government should urgently address the issue of dilapidated school buildings; provide more trained teachers especially in special education; provide more support for herd-boys evening schools; build more footbridges in the communities where children have to cross rivers to get to school; and closely monitor companies or individuals who are given jobs to supply schools with food.

228. The issue of access to private schools and fees charged should be closely investigated to determine the extent to which they affect children's right to education. The government should also improve the education system and environment for other schools (public schools owned by the government and churches) so that the level of quality can be at par with that of private schools or at least be closer to it. This will ensure that all children get almost the same foundation which will prepare them for future education opportunities.

SPECIAL PROTECTION MEASURES

Child labour

1. Situation analysis

229. Having ratified both the ILO Convention 138 of 1973 (Minimum Age of Employment) and 182 of 1999 (Worst Forms of Child Labour) in 2001, the CPWA created a more conducive and comprehensive environment for eliminating all forms of child labour. In addition, the State Party has designed a special action programme for the elimination of the worst forms of child labour (APEC) namely, herding, domestic work and commercial sexual exploitation of children with the support of the International Labour Organization. The rights of children engaged in these practices to health and education have been the course of concern due to the sensitization of communities.

2. Comments on the State report

2.1 Good practices

230. The adoption of APEC to drive the processes of elimination the three forms of child labour identified as rife and detrimental on the lives of children in Lesotho is regarded as a good practice.

Efforts by some CSOs involving provision of education to herdboys using non-formal education approaches are benefitting children.

2.2 Challenges

231. The implementation of the APEC has been undermined by the lack of adequate resources in the Ministry of Labour and Employment (MOLE) and heavy reliance on financial assistance from the ILO.

Statistical data on children engaged in different forms of employment including, child labour.

3. Conclusions and recommendations

232. The MOLE should take a leadership role and intensify actions aimed at mobilizing resources for the implementation of the APEC.

Sexual exploitation

1. Situation analysis

233. The CPWA contains elaborate provisions in connection to sexual exploitation. The Sexual Offences Act also provides heavy penalties and for free medical testing and care in cases where it is suspected that the perpetrators are HIV positive. Guidelines for the treatment of victims of sexual offences have been developed.

234. The problem of lack of adequate information especially, well-disaggregated statistical data remains a concern. However, from police press statements and media reports, it is evident that this phenomenon is increasing. Recently, the sexual exploitation of school girls has been on the rise and there is fear that it may negatively impact on school attendance. There is also evidence of abuse of girls in domestic work by their male employer and by relatives.

235. In 2015, UNICEF supported a desk research on Violence Against Children (VAC). The findings of this study revealed that the phenomenon of VAC including, sexual violence is very rampant. More in-depth research-based information is needed and it is envisaged that a much more comprehensive study on VAC will be undertaken soon.

2. Comments on the State report

2.1 Good practices

236. The establishment of the Child and Gender Protection Unit (CGPU) in the police service during the development of the CPWA was regarded a positive move.

237. Following the training of some social and law enforcement officers in play therapy, an association of graduates of this programme was established.

238. Guidelines for survivors of sexual abuse seeking health care were developed through a participatory and collaborative multi-sectoral approach involving the Ministry of health, Law Reform Commission, law enforcement agencies, etc.

2.2 Challenges

239. Delay to deal with cases of sexual exploitation of children by the criminal justice system is pervasive and often, this is associated with the lack of knowledge and appropriate skills by police officers.

240. Victims of abuse seldom receive care and rehabilitation.

241. Guidelines for provision of health care for survivors of sexual abuse are no longer being used.

242. Efficient service delivery by the CGPU is undermined by regular transfer of trained personnel to other police sections. The play therapy association is no longer in existence.

243. Well-disaggregated statistical information on VAC the extent, trends and its different forms is very scanty.

3. Conclusions and recommendations

244. The in-depth research on VAC planned by UNICEF should be undertaken soon. Indications are that PEPFAR may be having funding for such an exercise.

Children living and/or working on the streets

1. Situation analysis

245. Children who live on the streets have left their homes due to a number of reasons while some are born and grow up in the streets. Some children have left their families because of violence and abuse while others are just influenced by their peers. The numbers of children living on the streets are known. There are few organisation working with these children, and some of the programmes that used to be strong have now shutdown due to lack of funding (e.g. Lesotho Girl Guides Association used to have a good program).

2. Comments on the State report

2.1 Good practices

246. There is a growing sense of responsibility among communities, groups of individuals and companies to assist children on the streets with food, clothing, blankets and other basic items such as hygiene kits.

247. The MOSD provides medical exemptions for children who live in the streets to see doctors when they are sick. The MOSD and CSOs usually conduct joint reunification exercises as part of efforts to return children to their families and communities.

2.2 Challenges

248. There are no specific policies and structures dealing with issues affecting children who live on the streets, and in the existing policies they are not adequately addressed. Most centres or organization supporting children on the streets do not have specialised skills to deal with some of emotional and psychological problems these children have. Usually children in the streets are

exposed to drugs which lead them to being in conflict with the law. When in conflict with the law they are usually detained by police for long periods of time. This includes even children who are under eighteen years.

249. This area also does not have data to inform policy development and programming. As a result the interventions of organization working with children in the streets are not as effective as they should be because they are not evidence-based.

3. Conclusions and recommendations

250. CSOS urge the MOSD to facilitate a process of collecting data on children on the streets so that such data can be used to inform policies and programming.

251. Organizations working with these children should employ professionals with specialised skills such as Psychologists, Psychiatrists and trained Social Workers. These organizations should also develop and strengthen their reunification programs as part of their case management.

Juvenile justice

1. Situation analysis

252. Great advances aimed at creating a child-friendly system of justice that is compatible with the Convention and other international standards have been brought into place through the enactment of the CPWA. This legislation has introduced restorative justice and diversion to be the crux of system for administration of justice to children. However, on the ground, the enactment of this law has not brought significant changes in the system as well as in practices and approaches adopted by law enforcement officers up to the level of the judiciary when dealing with children who are in conflict with the law.

253. The situation regarding the juvenile justice system remains generally as it was reported in the State Party initial report in many respects as explained in detail below under challenges and difficulties.

2. Comments on the State report

2.1 Good practices

254. Restorative justice was piloted under the Strengthening the Lesotho Justice Sector Project (February 2013-February 2015)⁹ with the Euros 4 million support from the European Union.

2.2 Challenges and difficulties

255. While the age of criminal responsibility has been raised to 10 years, it is still considered low by current international standards and practices. Attempts to advocate for increasing it have met with strong opposing views not only from the public, but also from some members of the legal fraternity.

256. The system has serious human capacity issues. For instance, there are districts that have no probation officers. Another problem has been identified in the content of pre-service training different cadres of law enforcement agencies are exposed to as it has nothing regarding child rights, juvenile justice, restorative justice and diversion, children's courts, etc. Thus, the system is predominantly manned by people with suitable knowledge and skills.

257. To-date, the system of justice for children is still rudimentary highly under-resourced. Restorative justice and diversion are minimally understood and, therefore, they have been barely implemented.

258. The infra-structure and set-up, dress code of the judiciary and legal fraternity, language use, procedures of the children's courts, etc are still far from being child-friendly. They still resemble the ordinary criminal courts for adults in nearly all respects. All weaknesses identified by the committee including, lack of coordination with the chiefs' courts. Lack of legal representation, overcrowding and poor conditions in detention facilities, use of a limited range of limited options, incarceration of girls with female adults, lack of rehabilitation and social reintegration programmes, etc. are still manifest and constitute challenges that call for urgent attention.

259. The Juvenile Training Centre is the one located in Maseru and there are no detention facilities in the other nine districts.

3. Conclusions and recommendations

260. The Ministry of Justice and Correctional Services must urgently establish a justice for children department with a fully-fledged programme based on restorative justice ideals.

261. The Ministry should work with relevant training institutions including, the Police Training College, Correctional Service Training School and National University of Lesotho to ensure the integration of child rights and juvenile justice content into their pre-service training courses and programmes.

262. The Ministry should put in place adequate regulations to ensure that children remain in contact with their families while at Juvenile Training Centre.

Ratification of the two Optional Protocols

1. Situation analysis

263. The State Party ratified the two Optional Protocols one on Involvement of Children in Armed Conflict and the other Sale, Trafficking and Child Pornography in 2003. However, because there has been no dissemination of these Protocols, there are no good practices or challenges and difficulties to report.

2. Conclusions and recommendations

264. The government does not seem to have made any written reply to the concluding observations of the Committee for dissemination to the public at large including CSOs. The concluding observations have not been disseminated and debated broadly as a way of creating awareness around the Convention.

ANNEX I: LIST OF PARTICIPANTS

**ATTENDANCE REGISTER FOR THE CSOs UN-CRC COMPLIMENTARY REPORT VALIDATION
WORKSHOP
29 JUNE 2017, LANCERSS INN, MASERU**

Full Names	Gender	Organization	Organizational Focus Areas	Geographical Area/ District	Participant Expertise or Experience
JULE KRAEMER	F	CATHOLIC COMMISSION FOR JUSTICE & PEACE (CCJP)	GOOD GOVERNANCE, GENDER EQUALITY	MASERU	HR LEGAL ADVISER
MAPHOLE MARAKA	F	CCJP	GOOD GOVERNANCE , GENDER EQUALITY	NATIONWIDE (HQ IN MASERU)	LEGAL ADVISER
PALESA MPHOLE	F	SENTEBALE	DEVELOPMENT, VULNERABLE CHILDREN	THABA BOSIU, MASERU	ADVOCACY & INCLUSIVE DEVELOPMENT
LIPOTSO MUSI	F	UNICEF	CHILD PROTECTION	NATIONWIDE	CHILD RIGHTS
DR ITUMELENG KIMANE	F	BAHLABANI INITIATIVE (BI)	PROFESSIONALIZATION OF CHILD & YOUTH CARE WORK, ALTERNATIVE CARE, JUSTICE FOR CHILDREN	COUNTRYWIDE	CHILD RIGHTS ADVOCACY, POLICY AND LEGISLATION DEVELOPMENT

TANKISO PHORI	M	VISION RESEARCH CONSULTANTS / BI	ORGANIZATIONAL DEVELOPMENT	MASERU	ORGANIZATIONAL DEVELOPMENT, CHILD PROTECTION
MPEPUOA MOHALE	F	BAHLABANI INITIATIVE	PROFESSIONALIZATION OF CHILD & YOUTH CARE WORK, ALTERNATIVE CARE, JUSTICE FOR CHILDREN	COUNTRYWIDE	CHILD & YOUTH DEVELOPMENT
MANEO MAKOETLANE	F	BI	PROFESSIONALIZATION OF CHILD & YOUTH CARE WORK, ALTERNATIVE CARE, JUSTICE FOR CHILDREN	COUNTRYWIDE	CHILD RIGHTS ADVOCACY
MAMOLEMO SEKATE	F	PHELISANANG BOPHELONG	VULNERABLE CHILDREN, HIV/AIDS, TB	LERIBE & THABA TSEKA	CHILD RIGHTS, MONITORING & EVALUATION
MAMOTLATS I MOHLAOLI	F	WORLD VISION LESOTHO	CHILD PROTECTION AND ADVOCACY	NATIONWIDE	ADVOCACY & JUSTICE
BEATRICE AKINTADE	F	CENTRE FOR IMPACTING LIVES	VULNERABLE CHILDREN, YOUTH AND WOMEN	MASERU, BEREA, MOHALE'S HOEK	OVC CARE AND SUPPORT, REHABILITATION OF STREET CHILDREN
MALINEO MOTSÉPHE	F	LETSEMA NETWORK	CSOs COORDINATION	COUNTRYWIDE	CHILD RIGHTS ADVOCACY, RESOURCE MOBILIZATION

ANNEX 2: ADOPTIONS ORGANOGRAM



Source: Foster Care & Adoption Policy for Lesotho 2011

ANNEX 3: LIST OF RECOMMENDATIONS

LEGISLATION

Conclusions and recommendations

- Swift action should be taken to sensitize the new incoming government about the lapse of most of the policy and strategic documents relevant to children's rights and about the urgent need for developing new frameworks including, legislation covering all children within the context of forthcoming national reforms.
- It is proposed that a multi-sectoral committee of experts should be established to advise policy makers and legal drafters on matters concerning developing child-friendly legislation.
- Immediate steps should be taken to fast-track the development of regulations for supporting the implementation of the CPWA and complete amending the Act as necessary. These processes should continue to be as transparent and consultative as required. CSOs recommend that there should be a Working Committee to help fast track the process and should include people who understand children's issues.

COORDINATION AND IMPLEMENTATION

Conclusions and recommendations

- Speedy action should be to establish a government structure that will have mandate on coordinating all efforts regarding dissemination, popularization and implementation of the CRC.
- The government should develop a comprehensive child protection policy which addresses the needs and interests of children in general as a matter of urgency. However, there is yet to be broader discuss on whether the country should have a single all-embracing framework that would address the needs and interests of all children or continue with multiple frameworks on different areas.
- UNICEF in collaboration with other development partners should be requested to continue supporting efforts regarding coordination within government and between government and relevant CSOs.
- As the country prepares for reforms of existing laws and development of new ones, it will be critical for the MOSD and CSOs to find their space in the reform processes and advocate for laws which will give coordination structures, at all levels, a legal standing so that they can be recognized even when public resources are allocated.
- An intensive strategy must be quickly devised to mobilize resources for supporting the Letsema Network to become a strong, vibrant, effective and independent child rights coordinating body for the CSOs.

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- The CSOs recommend that the MOSD invest more efforts and resources in the annual DCPTs peer reviews as those served as a motivation for stakeholders to regularly check their performance and alignment with national priorities as far as child protection is concerned.

MONITORING

Conclusions and recommendations

- The child rights CSOs should join the call by other human rights CSOs for the current Act to be part of the upcoming reforms and be amended to truly reflect the spirit of an independent and inclusive human rights commission.
- CSOs strongly propose that an office of an ombudsman for children be established for fear that children's issues in the national mechanism would be overshadowed like it is often the case.

DATA COLLECTION

Conclusions and recommendations

- The State Party in partnership with academic and research institutions including, interested CSOs should urgently embark on a comprehensive process of developing child-sensitive indicators and generating a mass of information. An agreement should be entered into with international organizations to support this venture technically and financially. Most importantly, once developed these indicators should be institutionalized in all sectors concerned with child rights. The CSOs further urge the MOSD to include these child sensitive indicators in their system (NISSA) to address concerns raised by the Committee.
- It is evident from current and previous interventions that lack of adequate and well documented data undermine investments made in child protection sector in many ways including uninformed planning and programming. When data is not available it negatively affects government's efforts to develop, reform and implement policies and laws which will be responsive to the needs of children, their families and communities.
- The MOSD's monitoring systems or tools should be more comprehensive and cover all aspects of the CRC so that its implementation can be enforced amongst all CSOs without distinction.
- The African Women's University in Zimbabwe has launched a child-sensitive post-graduate Diploma programme. This is yet another lesson from which Lesotho can draw experiences.

BUDGETARY AND OTHER RESOURCES

Conclusions and recommendations

- Legislation, policies and programmes cannot be implemented without necessary financial and human resources. Mobilised, allocated resources must be spent in an accountable, efficient, equitable, transparent and sustainable manner. National budgets are, therefore, closely linked to the fulfilment of legislative and other related measures.
- For the Convention to be implemented, budget allocations must be made with the best interest of the child in mind and as being of primary consideration.
- To fulfil the rights of the child, all levels and structures of the executive, legislature and judiciary must be equipped with sufficient resources. These structures must be able to demonstrate ability to mobilize, allocate and spend budgets to maximize the fulfilment of all children's rights and avoid mismanagement of resources through corruption, unnecessary expenditure and other wasteful practices.
- The picture that is shown in the table above is worrying given that children hold the future of this country, and one would expect that most of the investments by the State would go toward supporting their development. However, in practical terms, the commitments that the government usually makes through the themes of the annual budget speeches do not seem to have children at their centre. In 2013 the theme for the budget speech was: *Promoting Growth for Economic and Social Development*; in 2014 the theme was: *Beyond Stability Towards Economic Transformation That Works*; and in 2015 the theme was: *Bringing Back Hope – Restoring Good Governance Through Efficiency, Accountability, Transparency, Effectiveness and Equity*. However, all these statements did not translate into visible public investment in children's rights. The saddest thing instead is that the government's efforts to "bring back hope" were marred by a spate of corruption cases that were reported.
- Therefore, CSOs recommend that the government substantially increases the budget for MOSD so that children's needs and rights as provided for in the CRC can be effectively addressed. The CSOs further urge all government Ministries to have a line for investment in children in their budget allocations.
- Another important recommendation is that the government should make all budgeting processes open and allow CSOs including those involved in child rights to take part in all the stages of budget development.
- CSOs are concerned with their little participation in the processes of developing National Strategic Development Plans (NSDPs). Therefore, they recommend more involvement of CSOs in these processes so that they can advocate for inclusion of children's issues in the NSDP.

NGOs AND INTERNATIONAL COOPERATION

Conclusions and recommendations

- The current legislative environment does not enable the CSOs to operate freely and optimally in the implementation of policies, laws, and programmes that contribute towards the realization of children's rights. CSOs also operate under stringent conditions and extreme lack of resources as they do not have strong collaboration and cooperation with government and international organizations.
- It is recommended that the State Party should urgently review the legislation governing the registration and operation of CSOs to ensure it regulates and creates ways in which they can collaborate and cooperate meaningfully with the government and international organizations.
- It is critical that the CSOs and Development Partners engage in structured discussions on how local NGOs can build and strengthen their financial sustainability using the currently available resources. Most importantly, the Development Partners should design their partnership agreements with local CSOs in such a way that they allow flexibility for the local CSOs to reinvest part of the funding they receive so that the child protection work can be sustained.

DISSEMINATION AND TRAINING ON THE CONVENTION

Conclusions and recommendations

- A child rights public awareness strategy must be developed to ensure that relevant education on the Convention reaches all people.
- The content of child rights must be integrated into professional training curricula, codes of conduct and educational curricula at all levels.
- A training programme that will professionalize child and youth workforce in a way that creates a definite career-path for people who work for and with children must be introduced as it is happening in other countries in the region.
- The MOSD should support the establishment of the association of child and youth care workers as it will complement the work done by social workers and other government service providers especially in rural places. The deliberations over the social service professions bill should involve all relevant stakeholders over and above social workers.

DEFINITION OF THE CHILD

Conclusions and recommendations

- The urgency for harmonization of existing laws and to repeal those that are not consistent with the CRC and CPWA cannot be overemphasized. Therefore, the CSOs urge the government to seriously take into account the concern over the inconsistent definitions when embarking on the law reform processes.

GENERAL PRINCIPLES

Conclusions and recommendations

- Discrimination in all its forms negatively affects a dignity of a person. It also can prevent people from realizing their full potential in society. Therefore, the CSOs recommend that discrimination in all its forms should be treated as an offence that can be justiciable.
- The CSOs also call upon all key stakeholders including communities to continue raising awareness about discrimination and its impact on the development of individuals, especially children including those born-out-of-wedlock.

RIGHT TO BE HEARD

Conclusions and recommendations

- It is important that child rights CSOs should continue to raise awareness in the communities so that ultimately all people understand and respect children's right to be heard.

CIVIL RIGHTS AND FREEDOMS

Conclusions and recommendations

- There is a need for continued joint efforts between CSOs and government through its relevant Ministries to educate families and communities about the importance of birth registrations as that allows children to access services such as education scholarships, vaccinations etc.
- CSOs recommend that for accessibility, the government should have birth registration services distributed around the country so that they are close to the people.

CORPORAL PUNISHMENT

Conclusions and recommendations

- CSOs recommend that the government should work hand in hand with CSOs and put more efforts and resources in the campaigns against corporal punishment of children in all settings.
- There should also be heavier fines for people who continue to physically abuse children.

VIOLENCE AGAINST CHILDREN

Conclusions and recommendations

- The government should invest adequate resources in systems and structures which will help spread the information about the harmful effects of violence against children and prevent new cases of violence. The government should also consider investing more in community policing by further training community policing groups so that they more effectively deal with the problem in the communities, within the confines of the law.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Conclusions and recommendations

-The lack of a properly instituted system for establishing, managing, supervising and monitoring residential care facilities, referring children to places of safety, poor recording of details of children and inadequate coordination between government efforts and those of the proprietors of the care facilities complicate the situation regarding placement of children in care even more. The legislative and policy environment on alternative care is otherwise very comprehensive and enabling.

- The CSOs' recommend that the government should invest more resources into privately-owned facilities and raise the amount payable for subventions as a matter of priority.
- The government should introduce tax exemption (or reduced tax) for companies and institutions that provide financial support to care facilities so that they can be motivated to continue doing so.
- There must be increased effort to advocate for foster care and local adoptions.
- The Adoption Authority appropriately instituted and local adoption agencies should be established to provide support to the Authority and to speed up processes.
- The government should make it a requirement for care facilities to develop care leavers programs for children exiting institutions.

BASIC HEALTH AND WELFARE

Conclusions and recommendations

- For the government to make meaningful and sustainable impact through its interventions, complimented by CSOs, it will need to intentionally invest more in health systems strengthening. This includes training more cadres of health care workers working at different levels.
- The Ministry of Health can also benefit more from engaging students or graduates who are usually attached to health care facilities as part of their internship, only if they optimise the time spent by such students or young people in health facilities. They can be trained intensively upon their arrival and be deployed in communities to disseminate health related information, without compromising their studies (for those who are still students).

ADOLESCENT HEALTH AND HIV/AIDS

Conclusions and recommendations

- The greatest challenge is to reach children and young people with impactful behavioural change messages through communication channels which are appropriate and accessible to them. Therefore, the CSOs recommend that both the government engage children and young people in dialogues aimed at exploring the most effective modes of communication and use technology to reach out to young people.

HARMFUL TRADITIONAL PRACTICES

Conclusions and recommendations

- Since the external support from donors is shrinking, and it shared between the government and CSOs, even though the CSOs do not get a fair share of available resources, it would more beneficial to communities and children if both the CSOs and government Ministries come together to re-strategize and combine their resources and efforts for campaigning against harmful practices. The two parties should develop joint measurable plans whose implementation can be mutually monitored.

CHILDREN WITH DISABILITIES

Conclusions and recommendations

- The CSOs urge the government to review the current Disability Bill to check if it is still relevant to the needs of adults and children with disability today, and urgently facilitate its passage in parliament.
- The CSOs are also concerned that discrimination against children with disabilities still exists in schools and in the communities, therefore, recommend that more efforts and resources be invested in rooting out discrimination in all its forms.
- Because of the special needs of people with disabilities, CSOs recommend that there should be social grants specifically for children with disabilities.

EDUCATION, LEISURE, AND CULTURAL ACTIVITIES

Conclusions and recommendations

-The government should urgently address the issue of dilapidated school buildings; provide more trained teachers especially in special education; provide more support for herd-boys evening schools; build more footbridges in the communities where children have to cross rivers to get to school; and closely monitor companies or individuals who are given jobs to supply schools with food.

- The issue of access to private schools and fees charged should be closely investigated to determine the extent to which they affect children's right to education. The government should also improve the education system and environment for other schools (public schools owned by the government and churches) so that the level of quality can be at par with that of private schools or at least be closer to it. This will ensure that all children get almost the same foundation which will prepare them for future education opportunities.

SPECIAL PROTECTION MEASURES

Child Labour

Conclusions and recommendations

- The MOLE should take a leadership role and intensify actions aimed at mobilizing resources for the implementation of the APEC

Sexual Exploitation

Conclusions and recommendations

-The in-depth research on VAC planned by UNICEF should be undertaken soon. Indications are that PEPFAR may be having funding for such an exercise.

- Children Living and Working on the Streets

Children Working and Living on the Streets

Conclusions and recommendations

- CSOS urge the MOSD to facilitate a process of collecting data on children on the streets so that such data can be used to inform policies and programming.
- Organizations working with these children should employ professionals with specialised skills such as Psychologists, Psychiatrists and trained Social Workers. These organizations should also develop and strengthen their reunification programs as part of their case management.

Juvenile Justice

Conclusions and recommendations

-The Ministry of Justice and Correctional Services must urgently establish a justice for children department with a fully-fledged programme based on restorative justice ideals.

-The Ministry should work with relevant training institutions including, the Police Training College, Correctional Service Training School and National University of Lesotho to ensure the integration of child rights and juvenile justice content into their pre-service training courses and programmes.

-The Ministry should put in place adequate regulations to ensure that children remain in contact with their families while at Juvenile Training Centre.

Ratification of Two Optional Protocols

Conclusions and recommendations

- The government does not seem to have made any written reply to the concluding observations of the Committee for dissemination to the public at large including CSOs. The concluding observations have not been disseminated and debated broadly as a way of creating awareness around the Convention.