

Concluding Observations and Recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Kingdom of Lesotho on its First Periodic Report on the implementation of the African Charter on the Rights and Welfare of the Child

November 2023

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its appreciation to the Government of the Kingdom of Lesotho for submitting its first periodic report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter).
2. During its 41st Ordinary Session, held from 26 April to 06 May 2023, the Committee considered the first periodic report of the Kingdom of Lesotho, which was submitted in compliance with the obligations of State Parties under article 43 of the Charter.
3. The ACERWC commends the Kingdom of Lesotho for its delegation, led by H.E Pitso Lesaoana, Minister of Social Development, and for the constructive dialogue held with the Committee. The dialogue provided valuable insights into the measures taken by the State Party for the implementation of the Charter, as well as the challenges it faces. Following the consideration of the report, the Committee has adopted the following concluding observations and recommendations.

II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER

4. The Committee commends the Kingdom of Lesotho for the legislative, policy and other measures it has taken to effectively implement the provisions of the African Children's Charter. These measures include:
 - a. Enacting the Persons with Disability Equity Act of 2021;
 - b. Enacting the Counter Domestic Violence Act of 2022;
 - c. Harmonising the Rights of Customary Widows with Legal Capacity of Married Persons Act of 2022;
 - d. Developing various policies and reports, including the National Social Protection Strategy II 2021-2031, Inclusive Education Policy (2018), National Prevention and Response Plan on VAC 2023, Food and Nutrition Policy (2016), Lesotho Multi-dimensional Child Poverty Report 2021, and the Violence Against Children and Youth Survey 2018;
 - e. Resuscitating and upgrading the Child Helpline; and
 - f. Implementing various programs and campaigns, such as the community-level roll-out of Child Protection Coordination structures like Community Council Child Protection Teams and Village Child Justice Committees, as well as campaigns addressing child marriage and exclusive breastfeeding.

III. AREAS OF CONCERN AND RECOMMENDATIONS

A. General measures of implementation

5. The Committee extends its appreciation to the Kingdom of Lesotho for its proactive efforts in implementing the African Children's Charter, including the adoption of new laws and policies, as well as the revision of existing laws. The Committee takes note of the cabinet's endorsement of the CPWA Amendment Bill of 2023, slated for submission to parliament for approval. **In this regard, the Committee strongly encourages the expeditious approval of the CPWA Amendment Bill, along with the allocation of adequate human and financial resources for its effective implementation.**

6. The Committee observes that the the Ministry of Social Development (MOSD) carries a broad mandate that extends beyond child rights issues and notes with appreciation the establishment of the Directorate of Child Protection Services and the National Orphaned and Vulnerable Children Coordinating Committee (NOCC). However, the Committee expresses concern about the absence of a dedicated structure for coordinating national action, planning, budgeting, monitoring, and evaluation of children's rights. **In light of this, the Committee recommends establishing a formal coordinating mechanism. It further reiterates the previous recommendation for the State Party to clearly define the mandate of the NOCC, allocate adequate resources, and foster a comprehensive and cohesive approach to children's rights governance to enhance the visibility, coordination, and implementation of the complete spectrum of children's rights.**
7. The Committee commends and recognises the budgetary allocation dedicated to the MOSD specifically for child protection. **The Committee recommends the government to consistently raise the budgetary resources specifically allocated for children to the maximum extent possible. Additionally, the Committee recommends the government establish mechanisms and platforms that enable the active engagement of children and adolescents in shaping investments related to their well-being and monitoring their rights.**
8. The Committee welcomes the progress made in enacting a bill for the establishment of the Human Rights Commission, which is currently under consideration by Parliament. **The Committee recommends that the government expedite the adoption of this Bill and ensure the effective operation of the Human Rights Commission. In addition, the Committee recommends that a separate commissioner with expertise in children's rights issues be assigned to oversee matters pertaining to children's rights within the commission's purview.**

B. Definition of the Child

9. The Committee commends the State Party for adopting a definition of the child consistent with the African Children's Charter. However, the Committee expresses concern over inconsistent laws, particularly the Lerotholi/customary law's definition of a child based on puberty, which permits the marriage of girls above 16 years. **The Committee strongly recommends the government to harmonize inconsistent laws, including customary laws and ensure their alignment with the definition of the child enshrined under the African Children's Charter.**

C. General Principles

Non-discrimination

10. The Committee appreciates the measures to include all rural councils in the child grant programme. However, the replies to the List of Issues indicate that 12 urban councils are not included in the child grant programme. **In this regard, the Committee recommends that the government ensure that the child grant scheme is expanded to all local councils so that all children in the State Party benefit from it.**

11. The Committee welcomes the ongoing efforts to build primary schools in rural regions. **While applauding these initiatives, the Committee recommends the State Party to expand these efforts to include the construction of clinics, and increase its investment in rural areas in terms of budget, human resources, and infrastructure in order to reduce the gap between urban and rural areas.**
12. The Committee notes with appreciation the inclusion of non-discrimination as a justiciable right in the CPWA Amendment Bill 2021, with sanctions against those perpetrating discrimination. The Committee further welcomes the enactment of the Persons with Disability Equity Act 2021, which addresses challenges regarding access to schools and facilities for children with disabilities. Furthermore, the State Party responses to the List of Issues highlight the various measures taken to protect and uphold the rights of children with disabilities. However, the Committee is concerned about the ongoing challenges in effectively implementing the rights of children with disabilities, including stigma, social exclusion, outdated early detection methods, barriers to inclusive services, inadequate infrastructure, and low birth registration rates. In response, the Committee recommends:
- a) **Conduct a comprehensive review of all relevant legislation relevant to children with disabilities to ensure alignment with human rights laws and standards;**
 - b) **Increase awareness efforts to dispel myths and harmful beliefs that promote discrimination and violence against children with disabilities;**
 - c) **Strengthen healthcare workers' capacities and community health initiatives, particularly for the response and early detection of disabilities, and facilitate collaboration between development partners and local NGOs in the early detection and identification of disability;**
 - d) **Accelerate the establishment of the Disability Advisory Council and allocate sufficient financial and human resources to enable it to effectively oversee the implementation and compliance of the Persons with Disability Equity Act; and**
 - e) **Consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities and the Optional Protocols to the Convention on the Rights of Persons with Disabilities (CRPD).**

Best interests of the child

13. The Committee appreciates the measures taken towards upholding the best interests of children in Lesotho, including the production and dissemination of simplified and Sesotho versions of the CPWA 2011, training of child protection service providers, and the development of positive parenting initiatives. Referring to its previous Concluding Observation and Recommendations, the Committee recommends:
- a. **Strengthening initiatives to educate society about the importance of prioritizing the best interests of the child and transforming practices and attitudes that are not in the best interests of the child, such as corporal punishment;**
 - b. **Extending positive parenting initiatives to school settings to enhance positive learning outcomes and disseminating them nationwide; and**

- c. **Establishing mechanisms to ensure that when parents assign tasks to their children, these tasks are not determinantal to their welfare and development, as well as their right to education, particularly in rural areas.**

The right to life, survival and development

14. **The Committee appreciates the State Party's efforts to promote the right of the child to life, survival, and development, including the adoption of the National Nutrition Policy 2016 and the National Nutrition Strategic Plan 2016/17-2022. To further support this cause, the Committee recommends renewing the National Nutrition Strategic Plan, which expired in 2022, based on evaluations, and allocating the necessary human, technical, and financial resources for its effective implementation.**
15. **The Committee commends the State Party for advances made in terms of the quality and efficiency of drinking water access and increased budget allocation for clean drinking water and sanitary facilities, especially in rural and remote areas of the country. However, it recognises the challenges children in Lesotho face including the adverse impacts of climate change, including droughts, floods, and extreme temperatures. In response to these challenges, the Committee recommends that the State Party implement the Committee's Working Group on Children's Rights and Climate Change recommendations from Resolution No 18/2022, including through undertaking necessary measures in critical sectors like food, water, sanitation, education, and social protection. [For additional recommendations relating to this provision, please refer to paragraphs 29 and 30].**

Participation of the child

16. **The Committee notes that the the State Party has not implemented any new measures in the area of child participation since the last reporting period. In this regard, the Committee encourages the government to consistently work towards ensuring the meaningful participation of children in all matters concerning them, in accordance with the Charter. To this end, the Committee recommends that the State Party refer to the Committee's Guidelines on Child Participation. It further recommends promoting awareness and sensitization within communities and families to emphasize the importance of child participation, empowering children to participate meaningfully in decision making processes, and ensuring that children's views and recommendations are sought and given due consideration in policies, laws, and other decisions, to enhance child participation in the State Party.**
17. **The Committee further recommends that the government facilitates the participation of children in rural and mountainous areas, specifically Thaba-Tseka, Mokhotlong, and Qacha's Nek, in Children's Parliaments, and allocates resources to assure the regularity of these Parliaments.**

D. Civil Rights and Freedoms

Name, nationality and registration birth

18. The Committee expresses concern about the absence of provisions for granting citizenship to abandoned children in both the Constitution and the Citizenship Order of 1971. The Committee notes that this goes against the principle of the best interests of the child and poses a risk to the child's access to fundamental human rights, including education, healthcare, and other social services. Additionally, the Committee is concerned by the stipulations in the Citizenship Order that stateless children may acquire citizenship upon reaching adulthood. **In light of these concerns, the Committee recommends the State Party to:**

- a. **Align its national laws, regulations and policies with its obligations under international law and its Constitution, to guarantee the right of every child to acquire a nationality, and prevent childhood statelessness;**
- b. **Provide that abandoned children or foundlings in the territory of Lesotho acquire the nationality of the State Party in compliance with article 6 of the Charter, and the Committee's General Comment on article 6 on the right to birth registration, name and nationality; and**
- c. **Amend section 10 of the Citizenship Order, eliminating the requirement for a stateless person to be 18 years old and have legal status in Lesotho before applying for nationality to ensure that all stateless children, irrespective of their legal status, can apply for citizenship without facing discrimination.**

19. The Committee acknowledges the State Party's efforts to improve birth registration but expresses concern about the low registration rate. **In this regard, it recommends:**

- a. **Expanding automated birth registration stations to all hospitals across the country;**
- b. **Provision of free services including outreach facilities in the remotest regions of the country, with a specific focus on enabling impoverished communities and vulnerable groups to exercise their rights to registration at birth;**
- c. **Eliminating penalties for late birth registration;**
- d. **Implementing all required measures to eliminate barriers in obtaining birth registration, which includes allocating adequate human and financial resources to the National Identity and Civil Registry Department to ensure the prompt registration of the births of all children born in Lesotho;**
- e. **Increasing accessibility to birth registration centres by establishing new centres in remote rural communities and enabling birth registration at all healthcare centres throughout the country; and**
- f. **Training civil registration personnel to ensure a more effective, functional, and universal registration system.**

Protection against abuse and torture

20. The Committee acknowledges the State Party's efforts to eliminate corporal punishment, including its prohibition in schools and, strategies in place to address this challenge. **To further this cause, the Committee reiterates its previous recommendations to the State Party to enact legislation that explicitly prohibits corporal punishment in all settings by law, including amending**

section 16(2) of the CPWA 2011, which permits the punishment of a child at a minimal level. The Committee further urges the government to educate children, parents, and teachers about positive discipline strategies that do not involve physical or verbal punishments. Furthermore, the Committee recommends the State Party to collaborate with CSOs and allocate additional resources for campaigns to end corporal punishment of children in all settings.

21. The Committee acknowledges progress in preventing child abuse and torture, including the establishment of Child and Gender Protection Units, Community Council Child Protection Teams and the revitalization of the Child Helpline. The Committee further commends the State Party for developing as well as developing the National Response Plan on Violence Against Children in 2023. **The Committee recommends expanding these programs nationwide, ensuring child-friendly reporting mechanisms, and allocating adequate resources for the National Response Plan on Violence Against Children in 2023.**

22. While welcoming the enactment of the Counter Domestic Act of 2022, the Committee is concerned by recent reports which indicate that gender-based violence (GBV) is a major challenge in the country. **In this regard, the Committee recommends a multi-faceted approach to address-gender based discrimination and violence against girls:**
 - a. **Conduct regular sensitization efforts and engage religious and cultural leaders to challenge and change gender norms that perpetuate discrimination against girls;**
 - b. **Establish adequate rehabilitation and reintegration centres specifically designed for girls who are victims of gender based violence to provide them with the necessary support and assistance;**
 - c. **Enhance the effectiveness of investigations and prosecutions to ensure accountability of perpetrators of gender based violence;**
 - d. **Provide free legal aid to victims of gender-based violence to ensure they have access to justice;**
 - e. **Allocate adequate human and financial resources for the effective implementation of the Counter Domestic Act, prioritizing a child-friendly approach, disability-inclusivity, and gender-responsiveness in order to protect children against gender-based violence; and**
 - f. **Improve the utilization of protection mechanisms for referral and reporting, create better platforms for child and adolescent participation in decision-making processes related to their protection and well-being.**

E. Family Environment and foster parentage

23. The Committee acknowledges the positive steps taken in providing financial assistance to impoverished and the introduction of digital payments in some community councils. **To further improve this support system, the Committee recommends implementing alternative payment methods that allow families to receive grants on a monthly basis and expanding the use of digital payments to all community councils, as well as strengthening and scaling-up these initiatives to avoid family breakdown and separation of children from parents due to poverty, high prevalence of HIV/AIDs and unemployment.**

24. **The Committee, while commending the efforts to establish homes for abandoned children in Thaba Tseka and Qacha's Nek, it recommends further support to teenage mothers caring for young children by increasing community-based centres and interventions.**
25. **Additionally, the Committee recommends the government to enhance protection measures for children in street situation to ensure their well-being and safety by conducting thorough data collection on their situations, which will help inform the development of a specific policies and action plans aimed at addressing the issue effectively.**
26. **In the absence of detailed information on children in alternative care settings and the corresponding legislative and policy framework in the report, the Committee recommends the inclusion of the comprehensive details in the State Party's next periodic report regarding the alternative care of children without parental care, including whether the State Party has a comprehensive legislative framework for alternative care in line with international standards, such as the Charter and the UN Guidelines for Alternative Care, as well as information and disaggregated data on the number of institutions housing children without parental care.**

F. Basic health and welfare

27. **The Committee acknowledges the State Party's efforts to establish Village Health Posts (VHPs) focusing on remote and mountainous districts. To further enhance healthcare accessibility in rural areas, the Committee recommends ensuring the implementation of these initiatives and budget allocation for the construction of VHPs in all 68 community councils. The State Party is further urged to ensure that adequate medical supplies are provided for these facilities.**
28. **The Committee recognises the development of the Village Health Programme Policy (VHP) 2019 and ongoing efforts to develop the VHP Strategy, a data base for Village Health workers' (VHWs), and a training toolkit. However, the Committee notes that many VHWs are overworked and poorly compensated as volunteers. To address this, the State Party is encouraged to provide appropriate financial incentives, recognition, and rewards to motivate and retain VHWs in their roles, and to establish clear referral mechanisms between VHWs and healthcare providers.**
29. **The State Party's response to the List of Issues reveals that the State Party has adopted a strategy called "Reach all Districts" (RED) to ensure that immunisation programmes reach all communities and adequately vaccinate all children. While appreciating the introduction of this initiative, the Committee notes with concern that there has been decline in routine immunisation rates, which has been further exacerbated by the COVID-19 pandemic. The Committee, therefore, reiterates its previous recommendation for the State Party to intensify efforts in reaching all communities with immunisation programmes and providing sufficient vaccination to all children. To achieve this, the Committee urges the State Party to:**

- a. **Strengthen healthcare infrastructure, and expand access to remote areas,**
- b. **Conduct health education and awareness campaigns to address misconceptions and concerns among parents and carers; and**
- c. **Utilise digital systems for real-time monitoring, in collaboration with CSOs and international organisations.**

30. While appreciating the various efforts to enhance healthcare quality and accessibility, the Committee observes that there are still significant challenges that remain. These challenges include high rates of under-five, infant, and neonatal mortality, as well as stunting and wasting as the primary causes of child mortality and poor development outcomes. Additionally, the Committee observes that there is an insufficient and unequal distribution of adequately trained staff in healthcare facilities. To address these, **the Committee recommends:**

- a. **Establishing and maintaining robust immunization programs;**
- b. **Promoting early and exclusive breastfeeding;**
- c. **Ensuring pregnant women have access to quality prenatal care, including frequent check-ups, screening and education on nutrition and hygiene;**
- d. **Developing and implementing programmes to enhance mother and child nutrition, including educational interventions;**
- e. **Enhancing access to nutritional meals, proper care, feeding practises, and provide access to high-quality multisectoral services addressing the underlying causes of malnutrition;**
- f. **Improving access to clean and safe drinking water and sanitation facilities to promote overall health and hygiene;**
- g. **Investing in health care infrastructure, including the construction and maintenance of hospitals, clinics, and primary care centres in both urban and rural areas;**
- h. **Ensuring an adequate number of qualified healthcare professionals, including doctors, nurses, midwives, and community health workers; and**
- i. **Providing continuous training and professional development to healthcare workers to ensure they have current knowledge and expertise in maternal and child health.**

31. The Committee is concerned about the persistence of teenage pregnancy, particularly among girls from rural areas and disadvantaged families. **To address issue the Committee recommends:**

- a. **Implementing a robust, comprehensive and age-appropriate sexual and reproductive health education program;**
- b. **Ensuring that adolescents have access to confidential and youth-friendly reproductive health services through the establishment of centres that cater to their specific needs;**
- c. **Developing targeted awareness campaigns that challenge harmful cultural norms, gender stereotypes, and misconceptions related to teen pregnancy; and**
- d. **Improving data collection and analysis on teenage pregnancy rates, causes, and outcomes, as well as regularly progress monitoring and adjustment of interventions; and**

- e. **Making use of the guidance provided in the Committee's study on teenage pregnancy in Africa (2022).**

G. Education, leisure, and cultural activities

32. The Committee commends the positive steps in improving Early Childhood Development (ECD) but notes limitations in coverage and challenges in coordination, monitoring, and budget allocation. **To address these concerns, the Committee recommends:**

- a. **Expanding the availability of reception classes within existing primary schools to improve access to early education;**
- b. **Enhancing coordination and monitoring mechanisms to effectively implement the National Integrated ECCD Policy;**
- c. **Prioritizing Early Childhood Education (ECE) in the national education sector plan and increasing budget allocation;**
- d. **Increasing the number of qualified pre-primary teachers;**
- e. **Improving the quality assurance of pre-schools and ECCD centres; and**
- f. **Strengthening efforts in regularly monitoring and regulating both governmental and private ECCD centres in accordance with ECCD Policy.**

33. The State Party report indicates an increase in government-owned public primary schools across the country, accompanied by efforts to enhance primary education enrolment. Nonetheless, reports indicate a decline in completion rates for primary education at the lower secondary and upper secondary levels. The Committee expresses further concern about the foundational reading and numeracy skills of children, and high student absenteeism, attributed in part to issues like adolescent pregnancy, violence, herding obligations, financial barriers (especially for children traveling from remote areas), a shortage of inclusive secondary schools with inequitable distribution, and a lack of connectivity in existing school infrastructure. **To address these challenges, the Committee recommends:**

- a. **Promoting secondary education enrolment by enhancing accessibility, providing financial support, and raising awareness among parents about the importance of secondary education;**
- b. **Ensuring an equitable distribution of inclusive secondary schools across the country to reduce disparities in access;**
- c. **Investing in school infrastructure improvement, especially in remote areas by constructing new schools and renovating existing ones to create safe, accessible, and conducive learning environments;**
- d. **Improving the quality of education at all levels through investments in teacher training and professional development to ensure effective teaching methods;**
- e. **Implementing a robust curriculum that emphasizes foundational skills in reading and numeracy;**
- f. **Continuing teacher training efforts until achieving an acceptable pupil-to-teacher and ensuring the availability of appropriate teaching materials;**
- g. **Developing targeted programs to address student absenteeism, particularly among girls, by addressing root causes such as teenage pregnancy, violence, and herding responsibilities;**

- h. Investing in technology infrastructure to improve school connectivity, enabling access to digital learning resources, online courses, and educational platforms that supplement traditional teaching methods;
- i. Establishing financial support mechanisms for children, particularly those from remote areas, to cover the costs associated with education; and
- j. Collaborating with CSOs, international organizations, and other stakeholders to leverage resources and expertise in addressing these challenges effectively.

34. The State Party report indicates the government's effort towards the integration learners with special needs in some schools, aiming to increase access to primary schools as part of inclusive education. The Committee also welcomes the introduction of special education courses in tertiary institutions, teacher training at certificate and diploma levels, ongoing plans to equip five secondary schools with special equipment to assist learners with disabilities, and measures taken to enhance the mobility of such children. The Committee observes that challenges persist in the implementation and monitoring of key elements of the Inclusive Education Policy in Lesotho, including inadequate infrastructure, limited access to learning materials, and insufficient pre and in-service training for teachers. **The Committee therefore puts forth the following recommendations to the government of the Kingdom of Lesotho:**

- a. Strengthen awareness-raising initiatives concerning disability rights and inclusive education;
- b. Allocate sufficient resources to ensure access to inclusive education for children with disabilities;
- c. Invest in comprehensive, regular pre- and in-service training programs for teachers in the field of inclusive education;
- d. Enhance the capacity of the Special Education Unit to monitor the quality of inclusive education through routine visits to special and inclusive schools;
- e. Accelerate the development and adoption of an implementation framework to facilitate the execution of the Inclusive Education Policy;
- f. Ensure the enforceability of all human rights, including the right to inclusive education for learners with disabilities; and
- g. Maintain collaborative efforts with CSOs and intergovernmental partners to effectively uphold the right to inclusive education.

35. The Committee welcomes the ongoing efforts to provide comprehensive teacher training to enable them for the successful delivery of this program. **The Committee recommends strengthening community-based programs and continued teacher training to prevent early pregnancy and sexually transmitted diseases.**

36. The Committee notes that the presence of youth centres in rural areas, such as in Thaba-Tseka, Mokhotlong, Qacha's Nek, and Botha-Bothe. **The Committee encourages the State Party to increase the number of youth centres in rural areas and ensure that such centres are equipped with basic facilities for play and leisure. The Committee also recommends that the State Party allocate play areas at residential sites through community councils during land allocation to promote recreational spaces for children.**

37. **Considering sports facilities remain inaccessible to children with disabilities, the Committee recommends that the State Party take steps to improve access to sports facilities for children with disabilities.**

H. Special protection measures

Refugee and displaced children

38. The State Party report outlines plans to amend the Refugee Act of 1983 and its Regulations of 1986, to incorporate child-friendly systems and mechanisms for the protection of refugee and displaced children. **The Committee recommends that the State Party proceed with these plans, amend the mentioned acts, and integrate child-friendly systems and mechanisms to ensure the effective implementation of normative frameworks safeguarding the rights of refugee and displaced children.**

Children in conflict with the law

39. The Committee notes with appreciation the operational children's benches in all 10 districts, the provision of equipment for child victim and witness protection in the children's court in Maseru and the establishment of a second children's court in the Leribe District. However, the report highlights persistent challenges, including the lack of adequate victim support services in magistrates' courts and the limited number of court intermediaries serving the entire country. It also acknowledges the need for further training for both new and existing Magistrates. **In this regard, the Committee recommends that the State Party to:**
- a. **Prioritize strengthening and equipping magistrates' courts with victim support services to ensure they are child-friendly and responsive to the needs of child victims;**
 - b. **Implement plans to relocate the Children's court in Maseru to a more child-friendly location with suitable infrastructure and allocate a sufficient budget to establish children's courts in all districts;**
 - c. **Provide sufficient financial resources for child-friendly infrastructure in children's courts; and**
 - d. **Conduct regular capacity building in the justice sector and provide ongoing training for all Magistrates, with an emphasis on their role in upholding children's rights, including the prioritization of non-custodial sentences.**
40. The Committee expresses concern regarding the absence of separate holding cells for children in police stations. To address this concern, the Committee strongly recommends the following actions:
- a. **Prioritize and swiftly implement existing plans to construct separate holding cells specifically designed for children at police stations to enhance their protection;**
 - b. **Expedite the transfer of girls to Juvenile Training Centres for their well-being and safety; and**

- c. **Ensure that police officers who have received child protection training are not transferred to other departments, retaining their expertise in child protection.**

41. The Committee notes that Section 79 of the CPWA provides for the categorization of child offenders who are liable for prosecution in the Children's Courts based on their age. **The Committee refers to the UN CRC General Comment No. 24, which encourages increasing the minimum age of criminal responsibility to at least 14 years of age, and recommends that the State Party align all legislation with this minimum age of 14 years for criminal responsibility. Furthermore, the Committee recommends that the State Party enhance children's understanding of the minimum age of criminal responsibility.**
42. The Committee appreciates the workshops conducted on restorative justice processes for stakeholders dealing with children's cases and the expansion of probation services to ten districts, as well as the establishment, training, and functionality of 43 Village Child Justice Committees. However, it is noted that there is a gap in diversion programs due to a lack of funds. To address these challenges and further promote children's rights within the justice system, the Committee recommends the following measures:
- a. **Allocate sufficient funds to ensure that children in conflict with the law receive the safeguards outlined in article 17 of the Charter and CPWA;**
 - b. **Promote non-judicial measures for children accused of criminal offenses, including the expansion of re-education programs to incorporate diversion, mediation, and counselling, and probation or community service, whenever possible during sentencing;**
 - c. **Provide regular training for existing social workers assigned to Juvenile Training Centers and ensure that newly hired social workers undergo such training to effectively deliver quality services to juvenile offenders;**
 - d. **Increase the number of Village Child Justice Committees to further enhance their effectiveness and coverage in addressing issues related to child justice; and**
 - e. **Reduce overcrowding in cells and ensure that children in detention are in no way subject to physical abuse and are treated with respect and dignity, with access to their basic needs, including but not limited to adequate food, sanitation, education, and health services.**

Children of imprisoned caregivers

43. The Committee is concerned about the lack of legislative or policy framework for the protection of children of imprisoned mothers. It acknowledges the State Party's draft regulations for the Correctional Service Act 2016 aimed at addressing this issue, which are awaiting parliamentary approval. **To safeguard the rights of children with incarcerated mothers, the Committee recommends that the State Party expedite the adoption of these draft regulations and ensure their effective implementation, aligning them with the African Children's Charter and General Comment No. 1 on article 30.**
44. The Committee further appreciates the approved structure by the Ministry of Public Works for the renovation of female correctional structures, including a crèche for children of incarcerated mothers. **To ensure a child-friendly environment for**

these children, the Committee recommends the State Party to promptly implement this structure and make provisions to support children staying in prison with their mothers.

Sexual exploitation and abuse and trafficking of children

45. The Committee appreciates the measures taken to address sexual exploitation and abuse of children, including the development of the National Prevention and Response Plan on VAC 2023. However, it remains concerned about reports indicating that many children and adolescents experience sexual violence. **To effectively address these challenges, the Committee encourages the government to:**
- a. **Ensure the effective implementation of existing legislative and policy frameworks that protect children from sexual exploitation and violence, such as the Constitution, the Child Welfare Act of 2011, and the Sexual Offences Act, and allocate adequate resources for their effective implementation**
 - b. **Improve multisectoral coordination for monitoring and reporting of violence against children, and empower adolescent girls through the creation of safe spaces, increased adolescent-led advocacy, and life skills development;**
 - c. **Ensure there are adequate facilities for the care and rehabilitation of children, including implementing current plans to construct temporary shelters for GBV and VAC survivors;**
 - d. **Provide comprehensive training to CGPUs to equip them with the necessary skills to handle cases of GBV and violence against children; and**
 - e. **Ensure that there is dedicated capital budget to CGPU and prevent the transfer of police officers who have received child protection training to other departments, retaining their expertise in children protection.**
46. **The Committee reiterates its previous recommendations and recommends the State Party to review its Sexual Offences Act to remove the distinction between children below and above the ages of 16 years in cases of child molestation and establish child molestation as a crime against all children below the age of 18 years, aligning it with the definition of the child under the African Children's Charter.**
47. The Committee acknowledges the challenges in victim support in courts, particularly the shortage of court intermediaries for civil and criminal cases involving children, leading to case backlogs. **The Committee recommends that the government take the necessary actions to ensure an adequate number of court intermediaries are available for both criminal and civil matters involving children as victims.**
48. The Committee appreciates the existing legislative framework aimed at holding family members or relatives who are perpetrators of sexual violence accountable. **The Committee recommends that these safeguards be effectively implemented. Furthermore, it emphasizes the need to strengthen the investigation and prosecution of perpetrators of sexual violence when they are family members or relatives. The government is encouraged to intensify**

its collaboration with traditional and religious leaders at grass-root levels to ensure that all perpetrators of sexual violence are brought to the formal justice system and receive appropriate convictions as a deterrence measure.

49. The Committee commends the State Party's efforts to collaborate with other countries in the region in order to combat child trafficking. **It further urges the government to allocate adequate funding to CGPUs and set up a CGPU focal point in each of Lesotho's ten districts to ensure effective responsiveness to all potential trafficking cases and ensure sufficient funding for shelter and protective services for children who are trafficking victims.**

Child labour

50. The Committee commends the steps taken to address child labour in the country, such as the establishment of the Child Labour Unit in 2016, ongoing efforts to amend the Labour Code Order 1992, data collection and rapid assessment on the worst forms of child labour, and the development of the Decent Work Country Programme Report of 2019-2023. The Committee further notes the launch of the Lesotho Non-formal Education Policy in 2018 to equip herders, out of school children and youth with numeracy and vocational skills. **The Committee recommends that the government ensure the effective implementation of this policy and finalize the development of the second phase of an integrated National Action Plan for the Elimination of Child Labour 2023-2028 (NAP).**
51. The Committee notes that the compulsory education age in Lesotho is 13, leaving children aged 14 vulnerable to child labor, as they are not required to attend school but have not yet attained the minimum age for employment, which is 15. In addition, funding for labour inspections is reported to be inadequate, and inspections are not conducted in high-risk sectors, including the informal sector. There are also reported gaps in the operations of criminal enforcement agencies, including limited funding and personnel. **To address these challenges, the Committee, recommends the government:**
- a. Set the compulsory school age at 15 to align it with the minimum employment age;**
 - b. Allocate adequate financial resources and provide appropriate training for labour inspectors to carry out their duties effectively;**
 - c. Provide sufficient financing and training resources to criminal law enforcement authorities to conduct efficient inspections and investigations;**
 - d. Ensure that labour inspections are conducted in all relevant sectors, including the informal sector;**
 - e. Address the educational and logistical issues that limit opportunities for secondary education, such as the shortage of teachers and schools and the financial barriers; and**
 - f. Improve birth registrations of children to reduce their vulnerability to the worst forms of child labour.**

Harmful traditional practice

52. The Committee appreciates the measures taken to address child marriage since the last reporting period, including the on-going ending child marriage campaigns.

However, as previously indicated, the Committee expresses concern over inconsistent laws, particularly the Lerotholi/customary law's definition of a child based on puberty, which permits the marriage of girls above 16 years. **The Committee strongly urges the government to harmonize inconsistent laws, including customary laws and ensure their alignment with the definition of the child enshrined under the African Children's Charter. The Committee further recommends the government to fast-track the adoption of the CPWA Amendment Bill 2021, which criminalises child marriage, and ensure its effective implementation.**

53. The Committee appreciates the development of the Protection and Administration of Custom on Initiation School Bill (2023), which criminalises the initiation of children and recommends its adoption and effective implementation.

I. Responsibility of the child

54. **The Committee recommends that the State Party expedite the enactment of the CPWA Amendment Bill to ensure that children benefit from its provisions, which are expected to prevent child's responsibilities from compromising their rights as provided by the charter.**
55. **The Committee encourages the State Party to utilize its General Comment No 3 on article 31 of the Charter, which provides guidance on the implementation of the responsibilities of the child. The Committee further recommends that the State Party ensures that children are not subjected to burdensome expectations and works to fulfil their responsibilities, and that article 31 be implemented in accordance with the Charter's general principles as well as other relevant provisions.**

J. Conclusion

56. The African Committee of Experts on the Rights and Welfare of the Child appreciates the legislative, policy, and institutional measures taken by the Government of the Kingdom of Lesotho to implement the African Children's Charter and the recommendations of the Committee on the initial report.
57. The Committee recommends that the State Party continues its efforts in implementing these recommendations. Furthermore, the Committee plans to conduct a follow up mission to assess the progress of these recommendations in the near future. The Committee also invites the State Party to submit its second periodic report by November 2026, as required under article 43 of the African Children's Charter. The Committee recommends that the State Party engages in broad consultations with CSOs, children, UN agencies, the private sector, and other stakeholders when preparing its second periodic report, focusing on providing information about the implementation of the current recommendations.
58. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Kingdom of Lesotho the assurance of its highest consideration.