

Lesotho's shadow children's parliament: voices that bridged the policy gap



by LIPOTSO MUSI and MASEISA NTLAMA

The long walk to parliament

African governments, like all governments, are the primary duty bearers for the protection of the rights of children. This mandate goes far beyond merely signing international and national treaties. Written commitments need to be translated into meaningful and appropriate implementation that benefits children. But the road to implementing such commitments is often long and cumbersome.

We (the co-authors) work in the child protection and advocacy department of World Vision Lesotho (WVL). We were frustrated by the inadequacy of existing child-focused legislation and the absence of a comprehensive legal framework to protect the rights and respond to the needs of the children of Lesotho. In 2010, the Lesotho Children's Protection and Welfare Bill had been in draft form since 2004. WVL felt it was time to move the process forward and put pressure on the Lesotho parliament to enact the bill. But what would be the most effective method to bridge this policy gap?

This article is about the first-ever shadow children's parliament (SCP) sitting in Lesotho. The day-long event, a simulation of a real parliament sitting, happened on 16th June 2010 in the national parliament buildings in Maseru, Lesotho and included one hundred children. The key objective of the SCP was policy-related: for children to call for the speedy enactment of the long-overdue Children's Protection and Welfare Bill by the parliament of Lesotho, asking legislators to listen to their voices and intentionally plan and budget to address problems identified and prioritised by the children themselves.

Why a shadow children's parliament?

Working with communities and children in particular, WVL has come to appreciate the multi-faceted challenges facing children as individuals and as a collective. In close collaboration with the NGO Coalition on the Rights of the Child (NGO-C) we decided to engage the national parliament – the legislators – to try to move the bill

forward.¹ World Vision and partners deliberated on the most appropriate approach to use and decided on the SCP model. The model seemed well-suited to our objective of calling adult parliamentarians to account from children's perspective, as well as giving children an opportunity for their voices to be heard directly. A parliamentary-style approach would introduce children and adults to alternative ways of democratically promoting citizens' voices and involving them in action to assess and advocate for change to address pressing social concerns.

While the idea of using the SCP approach was decided by World Vision and its partners, the concept and its roll out was discussed with the children during the district level consultations. Hart's ladder of participation shows eight degrees or 'rungs' of children's participation (Hart, 1992). To us, the SCP appeared to match the sixth 'rung', as an adult-initiated process which shared decisions with children.²

This adaptation of the SCP model was a first in Lesotho. Supported by World Vision Australia under their child advocacy project, the event was timed to coincide with the African Union's (AU) Day of the African Child.³ The theme for 2010 was 'planning and budgeting for children – our collective responsibility'. The day was a high-profile opportunity to highlight why the Children's Protection and Welfare Bill was urgently needed in Lesotho, and for children to address high-level policy-makers face-to-face under one roof – the roof of the parliament building, no less.

What was the Lesotho shadow children's parliament?

The 2010 Lesotho shadow children's

parliament sitting was the culmination of ongoing participatory processes undertaken by WVL and a partner with children across the ten districts of the country.⁴ Here we describe the preparatory process stage by stage, leading up to an account of the one-day event.

Starting at the top: senators and ministers

As the bill had been in draft form since 2004, we wondered whether the members of the national parliament fully understood the significance of enacting the bill. The preparatory process therefore began in April 2008 and culminated in February 2009 with a week-long awareness-raising and lobbying workshop for senators and members of the national assembly, organised by WVL. It included unpacking the contents of the proposed legal framework and the impact it would have on the lives of the children and youth of Lesotho. We invited child rights experts, policy analysts and academics to facilitate some of the sessions. This process not only helped to enlighten the legislators – it also helped to establish a relationship of mutual trust between parliament and World Vision Lesotho. The foundation for the SCP sitting was being laid, one parliamentarian at a time.

In addition, we conducted one-on-one consultations with relevant ministers such as the minister of health and social welfare, the minister of gender, youth, sports and recreation and the prime minister. The purpose of the consultations was to explain the purpose of the SCP sitting, to invite ministers to attend it and to seek permission to use the national parliament buildings for the event.

¹ WVL is a Christian, child-focused and community-based development and humanitarian organisation that has been operating in Lesotho since 1989. WVL focuses on child sponsorship, health, education, advocacy, and child protection/rights and humanitarian relief.

² For an explanation of Hart's ladder of participation, see Tang (this issue).

³ The International Day of the African Child is organised by the Organisation of African Unity (now African Union) as an opportunity to reflect on progress towards decent living standards, equality and protection for all African children. It commemorates the 1976 Soweto protests and killings of school children.

⁴ Lesotho coordinating body for child-focused organisations, the NGO-C was the key partner.

Working with the children

The next step was to work with district authorities to jointly mobilise children at community and district levels. Rather than assume we knew the problems facing children, in each of the ten districts we invited 200 children to respond to a survey aimed at identifying problems facing them. We asked 100 boys and 100 girls, aged between 10 and 18 – from urban and rural areas, including children both in and out of school. Interviews and focus group discussions were also conducted throughout May 2010.

The children voted for the issues which they felt were of the most pressing concern – for example, the lack of access to education and the violation of children's rights. Topics with the highest number of votes became the district-specific themes that the elected children would present during the SCP event (see Box 1). WVW also facilitated discussions with the children on the Day of the African Child theme. The children decided that the overarching theme for the SCP session should be 'the voices of children matter for their protection and welfare'.

The participating children in each district elected 10 SCP members. Those elected – half girls and half boys – needed to be willing and able to volunteer and participate, and confident to speak on behalf of others. WVW worked with the department of health and social welfare to obtain written parental/caregiver consent for the elected children to attend the SCP sitting.

The day before the big day

On 15th June 2010 – the eve of the SCP event – the elected children and their chaperones, World Vision staff and NGO-C representatives assembled in Maseru, our first time all together as a collective. Parlia-

Box 1: District-specific themes for the SCP

- Child sexual abuse.
- Child neglect and exploitation especially of orphans and vulnerable children (OVCs).
- Poor quality of education and health services.
- Welfare of children in detention.
- Human (child) trafficking.

mentary staff were on hand to provide guidance for children on established parliamentary procedures.

During the SCP sitting every child would have a role to play (see Box 2). They elected key role players for the SCP session such as the speaker of the house and the prime minister. Others assumed the portfolios of respective members of parliament (MPs).

The children spent the evening discussing and rehearsing their presentations, getting into character for the big day ahead. Their presentations to the house focused on improving access to health, education and other kinds of services in districts and communities, sexual and other forms of abuse against children, teenage pregnancy, the welfare of children in detention, the exploitation and neglect of orphans and vulnerable children due to property grabbing and myriad violations of children's rights in general.⁵

The SCP in session

On the day, one hundred children – fifty boys and fifty girls – assembled in the national parliament building in Maseru. Each of the 10 districts in Lesotho was represented by 10 child parliamentarians, elected by their peers. In the public gallery sat several 'real' ministers, the deputy speaker of the house and representatives from UNICEF, Global Fund, World Vision, NGO-C and others. Their role was to listen as the child ministers presented their portfolios to the house and then

⁵ Property grabbing: claims of intestate succession made by members of a deceased person's extended family. The practice deprives widows and children from owning their family home. It is particularly difficult for orphaned children, as it deprives them of their primary means of survival (K.K. Mwenda, 2005).



Photo: WWL

Children march to the parliament buildings on June 16th for the first-ever shadow children's parliamentary session.

debated whether to support the motion to enact the Children's Protection and Welfare Bill.

Proceedings replicated the workings of the national parliament. Once the sergeant at arms had opened the parliamentary session and the pastor had given the opening prayer, the speaker of the house

introduced the SCP theme for the day. Following established parliamentary proceedings and processes, the child parliamentarians presented a short speech to the other SCP members of the issues they had chosen to debate. In addition to presenting daily real-life challenges faced by children, every speaker ensured s/he also provided the speaker of the house with a possible solution.

One issue debated was about children in detention. They are frequently sexually abused, exploited and emotionally traumatised by adult prisoners. As a result, many child offenders leave detention only to find themselves back in detention within a short space of time. One SCP member, the sole representative for this category of children, recommended to the ministers of health and social welfare that the bill should ensure that child offenders be separated from adult prisoners.

To wind up their session some of the SCP members presented a ten minutes role-play depicting the vulnerability of orphaned girl children in the hands of teachers. The girl is sometimes enticed to pay school fees in-kind by an unscrupulous teacher, in this case through sex, which results in unplanned pregnancy and her

Box 2: Children's roles in the Shadow Children's Parliament

- Speaker of the house: to facilitate and guide the discussions of the house while the SCP was in session.
- Clerks to speaker: to document and summarise parliamentary discussions for public records.
- Pastor: conducts prayers at the beginning and end of the parliamentary session.
- Sergeant at arms: announces the start of the session – without which parliamentary sessions cannot start.
- Prime minister: The leader of the ruling party in power.
- Leader of the opposition party, whose role was to ask questions of clarification on the issues tabled.
- Members of the opposition party.
- Ministers with different portfolios (ministry of health and social welfare; ministry of gender, youth, sports and recreation).
- The remaining child parliamentarians took the roles of members of parliament (MPs), each representing their individual constituencies.

Photo: WVWL



A child parliamentarian addresses the house.

subsequent expulsion from school. After this, the other child MPs were invited to respond, ask questions and finally state whether the motions proposed should be included in the bill.

Finally, in response to the presentations, the adult ministers for health and social welfare assured the child parliamentarians that the SCP came at a time when the government of Lesotho had recently tabled a debate on the bill in the parliament. The ministry of gender, youth, sports and recreation echoed this, indicating that the government was working hard towards enacting the bill pending the necessary consultations. She assured the SCP that their submission would provide impetus to the process.

What did the SCP achieve?

Following the SCP event WVWL, NGO-C and others continued to hold formal consultations with the legislative committee and the social cluster of the parliament. This was in an endeavour to influence revisions to the draft bill in the light of the SCP

submissions, in preparation for its due presentation to the senate and then the king.

In late December 2010, the bill was passed by the senate with amendments. One amendment was the promotion of restorative justice in the case of child offenders, which aims to repair relations between the child and his/her family and the community prior to release from detention, thus minimising the chance of return to detention. This inclusion is probably a response to the SCP's emphasis on the need for special regimes for child offenders. The bill was then presented to the king, for endorsement, after which it would become law.

During the writeshop where this article was written, we learnt that the Children's Protection and Welfare Act was passed by parliament on 22nd March 2011.

A national children's committee (NCC) has now been created under WV's leadership. This body was a direct result of the SCP and was elected by the child parliamentarians on 16th June 2010, directly

Box 3: National children's committee terms of reference

- Coordinate children-focused initiatives and feedback from districts to WV Lesotho.
- Representation in national/world child participation forums.
- Support preparations for the next children's parliament.
- Promote child participation at district levels.
- Join and forge new networks.
- Raise awareness on child legislation.
- Make the SCP an annual event.

after the SCP. Made up of representatives from all the 10 districts the committee works to terms of reference set by the child parliamentarians (see Box 3). These include a recommendation to make the SCP an annual event.

Lessons learnt, critical reflection and analysis

Given that the bill has now become law, we believe that by working closely with both senators and members of the national assembly during the process, the SCP has been a contributing factor to the enactment of the bill.

While we can argue that 'success' was realised in that the bill became law, how much credit was due to the shadow children's parliament event or preparatory process? Face-to-face sessions with relevant ministers contributed to some degree to the passing of the bill. We also recognise the valuable contributions by many other players, some of whom are government officials. However, a number of key lessons can be drawn from this SCP experience.

Organising an SCP takes time and perseverance

Building good relationships and advocating for the SCP process with both the relevant government departments and strategically positioned individuals is crucial. This helped to ensure that they were receptive to the children's voices. We achieved this through the lobbying sessions and the one-on-one meetings with relevant



Photo: WVL

WVL national director Martin Silutongwe (middle), the WV's child protection and advocacy officer (extreme left) and the HEA director meet the prime minister (second right) and the minister in the prime minister's office Dr Phooko to lobby for the shadow children's parliament.

ministers and with district child protection committees prior to the event. We were also blessed with confident and charismatic WVL staff members who negotiated this process with high-ranking government officials, including the prime minister of Lesotho. But it took time and perseverance.

Strategic collaboration with other organisations

No one organisation can effectively organise an initiative of this magnitude alone. Strategic collaboration with other like-minded organisations is key to achieving greater impact. WVL was on good terms with the collaborating NGOs which made this aspect of the project relatively easy for us. However, we still need to foster more collaboration with community-based organisations that are in more constant contact with children. The issues presented by the children at the SCP – and many others – must continue to be discussed and addressed at the community level.

Replicating the SCP event

Raising awareness and mobilising citizens – including children – is pivotal to the call for and promotion of good governance. This includes respecting the rights of citizens to effective service delivery and of holding government to account for ensuring these rights are upheld, and their rights to 'express their views on matters that affect them'.⁶

Photo: WWL



Minister of health and social welfare addressing the SCP on 16th June. To the extreme right is the speaker for the SCP.

We hope to replicate the SCP approach in other World Vision programmes in southern Africa. In Lesotho the existence of a draft bill was a key underpinning for the initiative. Success elsewhere would depend on a range of contextual factors, including the existence of similar dormant legislation or precedents, the willingness of the governments concerned and the perceived relevance of the issues at hand.

Clarity of purpose

For us it was clear that we needed to push the enactment of the bill, which gave us and the event a clear focus. Clarity was vital too about the roles to be played by both children and adults and about which decision makers to target. These clarities meant that after the event we are clear too about what to monitor and follow up on.

Better inclusion of vulnerable children

It is important to include children from the most vulnerable groups in such initiatives, to ensure their voices are not excluded. Children with disabilities, those in deten-

tion and shepherds represent some of the most vulnerable categories of children in Lesotho. For example, efforts to include children in detention proved futile in nine of the districts. One representative of these was allowed to participate from Maseru district, but other district authorities refused to allow others to participate, citing security concerns. In future, we need to make more deliberate efforts to include these children.

Post SCP... then what?

With the act now in place, the next steps will include persuading government to continue to engage with NGOs and civil society in the process of amending the bill (if necessary). World Vision will continue endeavouring to partner with government and other child-focused organisations to address the simplification, dissemination and translation of the act into a child-friendly version. There is also a need to provide training and capacity-building to the new national children's committee.

⁶ Article 12 of the Convention on the Rights of the Child (1989). See: www.unicef.org/crc

Conclusion

Our experiences highlight some necessary building blocks for promoting effective adult-initiated and child-led advocacy. The child parliamentarians were given the opportunity to voice their concerns at the national level with a well consulted and agreed-upon mandate from their peers. Their performance demonstrated that engaging the children previously in community dialogue can build the skills and confidence required to engage with government and policy makers at all levels.

Using the SCP approach, our strategic

intention was to target parliamentarians. The SCP enabled children – with the support and guidance of adults – to effectively influence and persuade policy makers to enact in law a comprehensive, child-focused national policy.

Duty bearers must acknowledge their responsibilities and obligations to uphold the inherent rights of all citizens, including children. So we would like to end with a call to governments – at all levels – to ensure that they provide opportunities for children to voice their ‘views in matters that concern them’.

CONTACT DETAILS



Maseisa Ntlama
Child Protection Manager
World Vision Lesotho
Southern Africa Region
Private Bag A256
Maseru 100
Lesotho
Tel: +266 2831 7740 or 2231 7371 (work)
Website: www.wvi.org
Email: maseisa_ntlama@wvi.org
Skype: maseisa.ntlama



Lipotso Musi
Regional Advisor on Child Protection and
Child Focus
World Vision Lesotho
Email: lipotso_musi@wvi.org
skype: lipotso_musia1

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