

The role of social workers in addressing child marriage in Lesotho

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Summary: *Lesotho is a state party to global and regional treaties that seek to address the issue of child marriage. To respond to the clarion call by international bodies to domesticate those treaties, Lesotho has promulgated the Children's Protection and Welfare Act 2011. Despite the promulgation of this Act, the level of child marriage in Lesotho remains alarming. This article discusses the global (United Nations), regional (African Union) and sub-regional (Southern African Development Community) legal frameworks available to address the challenges arising from child marriage. It further examines the causes and challenges experienced by children in Lesotho, in general, and by girls, specifically. The article suggests a number of roles that social workers, as professionals who are highly equipped with the skills to handle children's issues, may play in addressing the causes of child marriage. The article argues that Lesotho is failing to implement the existing legal framework and suggests that social workers, if engaged, are better positioned to assist the country in curbing child marriage. The article further argues that social workers may play a key role in bridging the gap between the legal and the social approaches to protect children from early marriage. The article concludes by recommending ways in which social workers can be useful in addressing this seemingly intractable social dilemma.*

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1 Introduction

According to a United Nations Children’s Fund (UNICEF) report,¹ child marriage includes any legal or customary union involving a boy or a girl below the age of 18 years, or any marriage without the free and full consent of both intended spouses below the age of 18 years.² Child marriage is a prominent public health concern and human rights violation rooted in deeply-entrenched gender inequality. It affects as many as one in five girls globally.³

The purpose of this article is to explore the global (United Nations (UN)), regional (African Union (AU)), sub-regional (Southern African Development Community (SADC)) and national legislative and policy frameworks that seek to define child marriage and address it. The article also explores ways in which this social dilemma has been and continues to be addressed at different levels in Lesotho. In this spirit, the article interrogates how social workers can be part of the fight against child marriage. It is also argued that child marriage is a case for gender equality in Lesotho to the extent that the laws provide for girls to be married at the age of 16 and boys at the age of 18 years. These objectives will be achieved by defining, with the aid of legislative instruments, what child marriage is and what its consequences are. To paint a better picture of the factors that allow child marriage to take place, the article analyses some of the causes of child marriage. Further, the text defines what and who social workers are and suggest ways in which they can be part of the struggle. Finally, recommendations are made on how better the Kingdom of Lesotho can approach this harmful practice.

2 Global instruments that define child marriage

Article 16 of the 1948 Universal Declaration of Human Rights (Universal Declaration) provides as follows:⁴

¹ UNICEF *Annual report 2016*.

² CEDAW Committee & UNCRC Committee Joint General Recommendation 31 of the Committee on the Elimination of Discrimination Against Women/General Comment 18 of the Committee on the Rights of the Child on Harmful Practices UN Doc CEDAW/C/GC/31/Rev. 1-CRC/C/GC/18/Rev. 1 (8 May 2019).

³ UNICEF ‘Child marriage: Child marriage threatens the lives, well-being and futures of girls around the world: 2022’, <https://www.unicef.org/protection/child-marriage> (accessed 31 January 2025).

⁴ Arts 16(1) & (2) Universal Declaration.

- (1) Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.

The 1962 (UN) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage reaffirms that state parties

should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, *inter alia*, complete freedom in the choice of a spouse, eliminating child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or another register in which all marriages will be recorded.⁵

These obligations have been reiterated in subsequent human rights instruments.

The 1994 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides that the betrothal and marriage of a child shall have no legal effect. The Convention calls on member states to take all necessary action, including legislation, to specify a minimum age for marriage. Member states should also make the registration of marriages in an official registry compulsory.⁶ In this article we gather that the issue of registration of marriages is an important task, including the stipulation of the minimum age for entry into marriage.

The 1989 Convention on the Rights of the Child (CRC) mandates state parties to take appropriate legislative, administrative and other measures to protect the child from all forms of violence and abuse, including sexual abuse. Article 34 of CRC obligates states to protect children from all forms of sexual exploitation and abuse. Child marriage, being another form of sexual exploitation, is also envisaged in this provision.⁷ Maluleke argues that although some forms of treatment, practices and customs may be normal in the local communities where they are perpetuated, they are inconsistent with the principles outlined in the Universal Declaration.⁸

5 United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage 1962 Reaffirmation statement read with art 3.

6 Art 16(2) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); CEDAW Committee General Recommendation 21: Equality in Marriage and Family Relations, UN Doc A/49/38 (1994) 1.

7 Art 19(1) Convention on the Rights of the Child 1989.

8 MJ Maluleke 'Culture, tradition, custom and gender equality' (2012) 15 *Potchefstroom Electronic Law Journal* 1-22; Fact Sheet 23, Harmful Traditional

Through their first ever joint General Recommendation, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Committee on the Rights of the Child (CRC Committee) recommended that state parties adopt or amend legislation to ensure that 'a minimum legal age of marriage for girls and boys is established, with or without parental consent, at 18 years'.⁹ Arthur and others clarify that when marriage is allowed at an earlier age under exceptional circumstances, the absolute minimum age should not be below 16 years and that marriage should only be permitted by a court of law based on strictly defined grounds and full, free and informed consent of the intended child spouse(s).¹⁰

3 Regional instruments that define child marriage

The African Charter on Human and Peoples' Rights (African Charter)¹¹ is the continental bedrock of human rights promotion and protection in Africa. The African Charter serves as a guiding tool to human rights on the continent. The African Charter aims, among others, to address non-discrimination against women and combat inequality.¹²

The African Charter requires states to eliminate discrimination against women and girls and protect their rights as outlined in international agreements.¹³ The Charter also focuses on fixing the age of marriage at 18 years with no exceptions in line with article 6(b) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol) and article 21(2) of the African Charter on the Rights and Welfare of

Practices Affecting the Health of Women and Children. In dealing with the alleged violations of art 16 of the African Children's Charter by the Tanzanian government, the African Children's Committee made reference to CRC and the Universal Declaration. The Committee made it clear that the state is responsible for all the humiliating acts done to children by private actors as long as the state is aware of them; African Children's Committee Communication 12/Com/001/2019, Decision 002/2022, *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania* para 33; *Media Rights Agenda & Others v Nigeria* (2000) AHRLR 200 (ACHPR 1998) para 71; African Commission General Comment 4 on the Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (art 5) para 58.

9 Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child 2014.

10 M Arthur and others 'Child marriage laws around the world: Minimum marriage age, legal exceptions, and gender disparities' (2018) 39 *Journal of Women, Politics and Policy* 51-74.

11 African Charter on Human and Peoples' Rights 1981, 1520 UNTS 217.

12 E Mensah 'Women's rights in Africa: Exploring the integration of CEDAW and ACHPR in addressing violence against women' (2024) 12 *Journal of Social Science for Policy Implications* 1-8.

13 Art 18(3) African Charter.

the Child (African Children's Charter), which prohibit marriage and the betrothal of children below the age of 18 years.

To advance this mandate to provide protection for women and girls, the African Women's Protocol was enacted. The Protocol provides that state parties must enact appropriate national legislative measures to guarantee that no marriage shall take place without the free and full consent of both parties. The Women's Protocol sets the minimum age of marriage for women at 18 years. It encourages monogamy as a form of marriage. The Women's Protocol makes it a requirement that every marriage be recorded in writing and registered following national laws for it to be legally recognised.¹⁴ Article 5 also disapproves of all harmful practices that militate against women's and girls' rights.¹⁵

Article 21 of the African Children's Charter provides as follows:¹⁶

- (1) State parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth, and development of the child and in particular –
 - (a) those customs and practices prejudicial to the health or life of the child; and
 - (b) those customs and practices which are discriminatory to the child on the grounds of sex or other status.
- (2) Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

Article 2 of the African Children's Charter states that a child 'is every human being below the age of 18 years'. This provision is reinforced by the African Women's Protocol which also provides that the 'minimum age of marriage for women shall be 18 years'.¹⁷ Chirwa and Bakta submit that by setting a minimum age of 18 years, the two instruments discount the possibility of any consensual or lawful marriage with any person, or between any persons, younger than 18 years. They also echo that the reason for setting the age at 18 is

14 Art 6 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol).

15 Art 5 African Women's Protocol.

16 Art 21 African Charter on the Rights and Welfare of the Child 1990 (African Children's Charter).

17 Art 6(c) African Women's Protocol.

because all children under this age have no capacity to give consent to marriage.¹⁸

The African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee) has stated that applying the principle of the best interests of the child, state parties must adopt and enforce legislation that sets the minimum age of marriage at 18 years for both boys and girls.¹⁹ The principle also requires the adoption of effective prevention and redress measures to address those at risk and those already affected by child marriage. The Committee has also expressed that the minimum age of 18 set in article 21 does not offer any exception for marriage or betrothal.²⁰

Literature shows that the inter-connectedness of the provisions of the African Children's Charter enhances its protective nature to children.²¹ Assim articulates that article 1(3) obligates states to discourage customs that are inconsistent with the rights. Article 3 guarantees freedom from discrimination. Article 4 provides for the best interests of the child and mandates states to do all in the interests of the child. Article 5 provides for survival and development of children.²² Article 27 provides that children should be protected from sexual exploitation.²³ All these provisions read in totality provide adequate protection against, among others, child marriage.

The AU launched a Campaign to End Child Marriage in Africa on 29 May 2014.²⁴ Initially, the campaign was set to last for two years, from 2014 to 2016, targeting ten high-burden countries, but

18 DM Chirwa & S Bakta 'Article 2 – Definition of the child' in J Sloth-Nielsen, E Fokala & C Odongo (eds) *African Charter on the Rights and Welfare of the Child – A commentary* (2024) 23-35.

19 I Ebertuk 'Global diffusion of laws: The case of minimum age of marriage legislation' (2021) 8 *European Journal of Cultural and Political Sociology* 294-328; AJ Melnikas and others 'Perceptions of minimum age at marriage laws and their enforcement: Qualitative evidence from Malawi' (2021) 21 *BMC Public Health* 2-12; B Maswikwa and others 'Minimum marriage age laws and the prevalence of child marriage and adolescent birth: Evidence from sub-Saharan Africa' (2015) 41 *International Perspectives on Sexual and Reproductive Health* 58-68. In the 4th cycle of the Human Rights Council working group on universal periodic review held at Geneva, Switzerland 28 April-9 May 2025, Lesotho was also recommended to amend its marriage laws to set the minimum age of marriage to 18.

20 Joint General Comment of the African Commission and the African Children's Committee on ending child marriage 2017 para 16.

21 R Murray & S Wheatley 'Groups and the African Charter on Human and Peoples' Rights' (2003) 25 *Human Rights Quarterly* 213-236; ACERWC/GC/02 (2014) (Article 6 of the African Charter on the Rights and Welfare of the Child) para 25.

22 L Mwambene & O Mawodza 'Children's rights standards and child marriage in Malawi' (2017) 17 *African Studies Quarterly* 21-44.

23 U Assim 'Article 21 – Protection against harmful social and cultural practices' in Sloth-Nielsen and others (n 18) 301-316.

24 The African Union launched the Campaign on Ending Child Marriage on 29 May 2014 at the 4th Conference of Ministers of Social Development.

it was extended for another two years, to 2018, targeting 30 high-prevalence countries. A new campaign strategy for the period from 2019 to 2023 was subsequently developed.²⁵

With the launch of the campaign, the AU immediately appointed the Presidential Champion on Ending Child Marriage (ECM), the African Union Goodwill Ambassador (AU GWA) and the Special Rapporteur on Child Marriage within the African Children's Committee to support the advocacy, monitoring and accountability of the continental commitments.²⁶

Overall, an AU Champion aims to strengthen collaboration and a common framework for the eradication of child marriage at a continental level; to ensure increased collaboration between heads of state and government; to promote ownership and involvement of African programmes; to coordinate activities at the highest level; and to facilitate peer learning and review.²⁷ Although this initiative is at the continental level, among the work of the Champion is to mobilise change and foster collaboration by all the structures that seek to protect children. The objective is to spread the word against child marriage and improve the protection mechanisms for children. It has been observed that in African countries there is poor awareness of existing laws in communities.²⁸ Many people are not aware of the legal ramifications of child marriage and the laws themselves. This role can best be played by social workers as they are professionals specially trained to deal with vulnerable people, namely, children.

The role of the Goodwill Ambassador on Ending Child Marriage will continue to be a strategic position appointed to the AU Campaign to End Child Marriage with a two-year mandate, on a rotational basis.²⁹ After the appointment of the Goodwill Ambassador, the campaign was integrated into the work of the African Children's Committee,

25 At the 3rd Specialised Technical Committee on Social Development, Labour and Employment held in Addis Ababa, Ethiopia, 1-5 April 2019, there was a request to the AUC to develop a comprehensive 5-year strategic plan for the direction and strengthening of the campaign.

26 African Commission and African Children's Committee Joint General Comment on Ending Child Marriage 2017 1.

27 Summary Mandate of the African Union Presidential Champion on Ending Child Marriage, presented to the Zambian government during the African Union Monitoring and Support Mission on Ending Child Marriage, 2-6 August 2022.

28 Ending Child Marriage in Eastern and Southern Africa: Challenges in Implementing Domestic Laws and the SADC Model Law on Child Marriage (2023).

29 Strategy of AU Campaign to End Child Marriage (2019-2023) adopted at the 4th Specialised Technical Committee on Labour, Employment and Social Development, April 2022.

which appointed an AU Special Rapporteur to investigate special cases of child marriage.³⁰

The launch of the AU Campaign to ECM by member states was essential as it contributes towards the Sustainable Development Goals (SDGs).³¹ Target 5.3 aims to ‘eliminate all harmful practices, such as child, early and forced marriage’, including Target 16.2, which aims to ‘end abuse, exploitation, trafficking and all forms of violence against and torture of children’.

Despite the above continental initiatives to provide strategic leadership, child marriage continues to affect millions of girls every year. In response, the AU continues to organise a series of high-level meetings and consultations, in order to mobilise member states and partners towards implementation of the campaign and its policies.

4 SADC sub-regional instruments that define child marriage

The eradication of child marriage, using a human rights-based approach, is of crucial importance to the Southern African Development Community (SADC) Parliamentary Forum (PF) to achieve its legislative intent. In June 2014, at its fifty-fifth Plenary Assembly, the PF unanimously approved a review of the status of child marriage in the SADC. This decision was followed in February 2015 by a SADC Regional Parliamentary Dialogue on Child Marriage Laws organised by the PF with the Association of European Parliamentarians with Africa (AWEPA) and Plan International Netherlands. The forum discussed the benefits of model legislation on child marriage and the possible contents of such a law.

The SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriages (SADC Model Law), adopted in 2016, is a landmark regional initiative aimed at domesticating and assisting member states in the design of their national legislation.³² The objective of the Model Law is to create a legislative yardstick based on agreed-upon concepts derived from international human rights instruments to which member states of SADC have already committed themselves. Therefore, it is a normative tool designed to make it easier for legislators and legislative drafters in member states

30 UNICEF *Review of the African Union Campaign to End Child Marriage 2014-2018* (2018).

31 Sustainable Development Goals Agenda 2030 A/RES/70/1.

32 Adopted on 3 June 2016 by the 39th Plenary Assembly of the SADC Parliamentary Forum, which met in the Kingdom of Eswatini.

to revise, reform and improve their domestic laws and policies in the context of child marriage.

The SADC Model Law defines a child as a person who is younger than 18 years of age.³³ If implemented properly, the Model Law has the potential to end child marriage in the sub-region as it suggests policy changes, implementation, funding and monitoring of such policies initiatives and programmes. However, the benefits of the Model Law can only be optimised by member states adopting the recommended provisions as the Model Law itself is normative rather than binding in nature. The provisions of the SADC Model Law are grounded in binding international and regional human rights standards that most SADC member states, including Lesotho; have ratified. This includes the African Women's Protocol and the Joint General Comment on Ending Child Marriage issued by the African Commission on Human and Peoples' Rights (African Commission) and the African Children's Committee, which made recommendations similar to those of the SADC Model Law.

Lesotho's domestic law does not yet fully incorporate the standards set by these international instruments or the SADC Model Law. Lesotho has a dual legal system that recognises both customary and statutory law and applies equally to marriage laws. International law in Lesotho is not self-executing and, therefore, there should be a statute that is promulgated to domesticate the relevant treaties.³⁴

The eradication of child marriages, using a human rights-based approach, is of crucial importance to the SADC PF to achieve its legislative intent. In June 2014, at its thirty-fifth Plenary Assembly, the PF unanimously approved a review of the status of child marriage in SADC. This decision was followed in February 2015 by a SADC Regional Parliamentary Dialogue on Child Marriage Laws organised by the PF with AWEPA and Plan Netherlands.

Child marriage is endemic in most parts of SADC member states and can no longer be regarded as a private matter confined to the family. It is, therefore, time that suitable pieces of legislation be enacted to stop child marriage and its attendant consequences.

33 UNFPA, ESARO & Equality Now *Ending child marriage in Southern Africa: Domesticating the SADC Model Law on Child Marriage: 2023*.

34 I Shale 'Historical perspective on the place of international human rights treaties in the legal system of Lesotho: Moving beyond the monist-dualist dichotomy' (2019) 19 *African Human Rights Law Journal* 193-218; J Dugard *International law: A South African perspective* (2011) 42-43; F Viljoen *International human rights law in Africa* (2012) 518-525.

All SADC member states, including Lesotho, are parties to many instruments that are governed by public international law. Article 26 of the Vienna Convention on the Law of Treaties states that '[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith'.³⁵ Article 27 states: 'A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.'³⁶ These provisions reiterate the obligation of Lesotho to ensure that it domesticates all treaties that have been signed and ratified.

The SADC Protocol on Gender and Development also prohibits marriage to a person below the age of 18 years, and puts the responsibility on states to amend or enact their laws to ensure that no person enters into marriage before the age of 18.³⁷ It is also a requirement under the Protocol that all marriages, whether customary or civil, be recorded in the registry and that they should be entered into freely and voluntarily by both parties.³⁸ It also provides that service providers, such as law enforcement agencies and social welfare services, should be given gender education, and that they should provide accessible information on services available to survivors of gender-based violence.³⁹

Forere realises that the provisions of the SADC Gender Protocol resemble those of the African Women's Protocol, specifically its six objectives.⁴⁰ Zirima describes the Gender Protocol as 'groundbreaking' and as 'the most far-reaching of any sub-regional instrument for achieving gender equality'.⁴¹ This Protocol complements the regional and global legal frameworks that provide for the protection of children against child marriage. It closes the small gaps that were left by the African Women's Protocol and also reinforces the responsibility of states to protect children.

35 See also T Meyer 'Good faith, withdrawal, and the judicialisation of international politics' (2014) 2 *Questions of International Law* 3-19.

36 Vienna Convention on the Law of Treaties 1969. See also Y Rumiana 'Article 27 of the VCLT: Internal law and observance of treaties' University of Cambridge Faculty of Law Research Paper 27/2023; M Killander 'How international human rights law influences domestic law in Africa' (2013) 17 *Law, Development and Democracy* 387.

37 Art 8(2)(a) 2016 Consolidated Text Protocol on Gender and Development, consolidating the 2008 SADC Protocol on Gender and Development, 2008 and the 2016 Agreement Amending the SADC Protocol on Gender and Development (SADC Gender Protocol).

38 Art 8(2) SADC Gender Protocol.

39 Arts 23 & 24 SADC Gender Protocol.

40 M Forere & L Stone 'The SADC Protocol on Gender and Development: Duplication or complementarity of the African Union Protocol on Women's Rights?' (2009) 9 *African Human Rights Law Journal* 434-458.

41 P Zirima 'SADC Protocol: From commitments to action' (2009) 9 *Southern African News Features*.

5 National normative frameworks that define child marriage

In Lesotho, the protection of children from abuse is set out in the Children's Protection and Welfare Act 2011 (CPWA). This Act is the fundamental document that seeks to consolidate and reform all laws relating to the protection and welfare of children and to provide for incidental matters. The CPWA is vivid when it defines child abuse and seeks to address it to the core.⁴²

Sections 15, 16, 17 and 18 are clear about child protection and they draw up and define child abuse as any form of harm or ill-treatment deliberately inflicted on a child, and includes assaulting a child or inflicting any other form of deliberate injury or harm on a child; sexually abusing a child; committing an exploitative labour practice concerning a child; exposing or subjecting a child to behaviour that may socially, emotionally, physically or psychologically harm the child; exposing a child to physical or mental neglect; abandoning or leaving a child without visible means of support; and subjecting a child to harmful substances such as alcohol and drugs. Section 11(2) indicates that no child should be expelled or denied the right to education by any educational institute on account of pregnancy or any cultural issues. This section takes cognisance of the fact that children's development should not be hindered by either marriages or pregnancy. It allows mechanisms to be in place to reintroduce children to schools even after the aftermath of pregnancy.⁴³

Similarly, CPWA 2011, which seeks to domesticate CRC and the African Children's Charter, prohibits marriage under 18 for both boys and girls, as opposed to the Marriage Act 1974 which permits girls to marry at the age of 16.⁴⁴ Therefore, this illustrates that there is a need to harmonise the laws in line with the SADC Model Law which calls for an absolute standard of 18 as the minimum age of marriage without exception, and for the harmonisation of laws to remove ambiguity in interpretation.

The lack of harmonisation of laws on marriage creates an implementation conundrum. There is a lack of a consolidated law on sexual offences, which could be remedied by the pending amendment, the Children's Protection and Welfare Bill 2023. The

42 T Manyeli 'Empowerment and participation of children, parents, kinsmen and guardians in reducing children's risk in Lesotho' in F Ross & P Mahao (eds) *Children at risk in Lesotho: Perspectives from Lesotho and Germany* (2021) 1-14.

43 Secs 11(2), 15, 16, 17 & 18 Lesotho Children's Protection and Welfare Act 2011.
44 Sec 25 Lesotho Marriage Act 1974.

Bill specifically addresses the issue of child marriage and child sexual abuse.

The Marriage Act of 1974 declares void a marriage where either of the parties is below the age of 16 years. However, parental and judicial consent may be given for marriage under 21 and above 16 years.⁴⁵

In addition, the Laws of Lerotholi⁴⁶ (the codification of Lesotho's customary law) allow boys and girls to be married, as long as they are over the age of puberty. Both the Marriage Act 1974 and the Laws of Lerotholi are in contradiction with CPWA, which makes child marriage a punishable offence.⁴⁷ As a result, it is important for the state party, considering this challenge, to pass the Children's Protection and Welfare Amendment Bill mentioned above in order to cure this age defect as it has the far-reaching consequences for the way in which issues of child marriage are dealt with in the country. The duty to set the minimum age for marriage remains that of the state and the state is urged to use equal criteria between men and women in performing this exercise.⁴⁸ This will not only be a domestication and implementation of international law, but will also offer extended protection to children and achieve gender equality as the minimum age will be standard and non-discriminatory, thus achieving gender equality between boys and girls.⁴⁹

From the above analysis, one of the major challenges in Lesotho is the setting of a minimum age of marriage below 18 years, with the minimum age set for girls lower than that for boys.⁵⁰ This is based on erroneous assumptions that girls mature faster than boys. It also is an indication of patriarchal notions of girls' and women's value being measured by their homemaking and reproductive functions. This results in girls being married off earlier, while boys continue

45 As above.

46 The Laws of Lerotholi 1903 is the main source of Lesotho customary law. It contains provisions related to marriages and seduction, among others.

47 'Girls not brides – Lesotho country analysis', <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/lesotho> (accessed 29 November 2024).

48 UN Human Rights Committee on ICCPR General Comment 28: Article 3 (The equality of rights between men and women) CCRP/C/21/Rev. 1/Add. 10 (29 March 2000).

49 *Association Pour le Progres et la Defense Des Droits Des Femmes Maltennes (APDF) and Institute for Human Rights and Development in Africa (IHRDA) v Republic of Mali* (Application 46/2016) held that having the minimum age for marriage below the age of 18 for girls is a violation of art 6(b) of the African Women's Protocol and arts 2, 4(1) and 21 of the African Children's Charter.

50 AU reports that African governments were urged to change the legal age for sex from 16 to 18 to end child marriage in 2017.

with their education,⁵¹ hence economically placing young girls at a disadvantage. This gender inequality continues and perpetuates inequalities within the broader society as boys are perceived to be better than girls.

In the same spirit, Princess Senate Mohato Seeiso was appointed the Champion of Ending Child Marriage. Her responsibilities are equivalent to those of the AU GWA as she has to spearhead the campaign, be the face of it and sensitise communities on the effects of child marriages. Although this was a critical step in the right direction, there has not been a notable change as studies conducted afterwards reveal that child marriage is still rising. As much as the princess was appointed to lead this campaign, it seems that there was no clear plan of action on how she will be engaged as she would only be seen when the country commemorates important days, such as the International Day of the Girl Child.

It is important that the country develops the clear plan of engagement of the princess and allocates the necessary budget and resources for her to be able to execute her duties as the champion in addressing child marriages.

Given the numerous undesirable consequences associated with child marriage, including the violation of human rights, it is difficult to justify the circumstances in which a child marriage would be in the best interests of the child, especially when the laws permit judicial or government consent for child marriages below the prescribed minimum age of 18 years. The laws of Lesotho do not even clearly provide guidelines for determining when such permission may be granted.

The enactment of robust laws prohibiting child marriage has been proven to have a positive influence on the reduction of incidences of child marriage and improving the general welfare of children. Research⁵² shows that countries with laws that set the minimum age as 18 without exceptions (such as parental consent to marry below the general minimum age of marriage) have relatively lowered the incidences⁵³ of child marriages and adolescent pregnancies.

51 By contrast, child brides are much more likely to drop out of school and complete fewer years of education than their peers who marry early, <https://www.worldbank.org/en/news/immersive-story/2017/08/22/educating-girls-ending-child-marriage> (accessed 29 November 2024).

52 B Maswika and others 'Minimum marriage laws and the prevalence of child marriage and adolescent birth: Evidence from sub-Saharan Africa' (2015) 41 *International Perspectives on Sexual and Reproductive Health* 58.

53 UN Women *Progress of the world's women: In pursuit of justice* (2011).

To further illustrate this, research done in Mali⁵⁴ indicates that when the minimum age of marriage was lowered from 18 to 16 years, child marriages progressively increased. Consistent laws, therefore, have the impact of not only acting as a deterrent, but also demonstrating to the community the need to allow children to grow and attain their full potential by positively influencing societal attitudes.

International human rights instruments such as CRC, the African Children's Charter and the African Women's Protocol categorically state the minimum age of marriage as 18 years, with no exceptions.

The African Commission and the African Children's Committee, in their Joint General Comment on Ending Child Marriage, adopted in 2018, also unequivocally state the minimum age of marriage as 18 with no exceptions. The SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage also echoes these human rights principles and recommends that member states do not deviate from the minimum age of marriage, which is 18 years.⁵⁵

In 2016 the High Court of Tanzania handed down a landmark ruling striking down sections 13 and 17 of the Marriages Act, which sets different minimum ages for boys and girls to enter into marriage. This decision was upheld on appeal in 2019. Despite the Court of Appeal giving the government a year to amend the law, progress has been slow.⁵⁶ This is to demonstrate that the slow progress in the implementation of the laws on child marriage is not only experienced in Lesotho but also in other African countries.

Similarly, in South Africa, despite the discussions dating back as far as 2015, the pace of progress of putting in place a law that prohibits child marriage in all circumstances remains slow.⁵⁷ These delays encourage impunity for child marriages and disregard the urgency of the issue. Slow progress is also caused by changes in political players who have been driving the process. The situation is similar to that in

54 E Batyra & LM Pesando 'Reverse policies?' Reducing the legal minimum age of marriage increases child marriage among the poorest in Mali' University of Pennsylvania Population Centre Working Papers (2022).

55 UNFPA, ESARO & Equality Now *Ending child marriage in Southern Africa: Gaps and opportunities in the legislative frameworks* (2023).

56 'Government speaks on marriage amendment' *The Citizen* 11 September 2022, <https://www.thecitizen.co.tz/tanzania/news/national/government-speaks-on-marriageact-amendment-3944798> (accessed 28 November 2024).

57 L Mwambene 'Recent legal responses to child marriage in Southern Africa: The case of Zimbabwe, South Africa and Malawi' (2018) 18 *African Human Rights Law Journal* 527.

Lesotho, as there is a Bill that has been pending since 2021, which attempts to criminalise child marriages, but due to rapid changes in Parliament, the progress is slow.

What these laws seek to achieve is to empower the girl child and to ensure that she should be able to decide whether to marry while at the proper, qualifying age. This is important as it will have a positive effect in reducing the number of children getting married. The laws that regulate child marriage, therefore, should be highly popularised at the community level. This local level engagement should strongly focus on changing norms by engaging with girls for empowerment and through the provision of safe spaces. This is a role best played by social workers.

Section 69 of CPWA 2011 empowers the social worker to cause the arrest of a person who they believe has kept the child in their custody against the child's will. This provision is important as persons who marry children can be arrested by social workers. Unfortunately, on the ground, this provision is never triggered, as reports demonstrate that neither children nor parents report these incidences that force them into marriage.⁵⁸ Another argument could be that the very children themselves are not acquainted with these laws and, as a result, they would not be aware of their rights. This then becomes the reason for improved child empowerment activities and community sensitisation programmes, which are also best dealt with by social workers.

The celebrated CPWA 2011 has placed social workers as key personnel in the implementation of the Act. This is because the nature of the profession of social work is intervention-oriented. The issue of child marriage concerns the attitudes and beliefs of society. Therefore, the solution lies in the profession that is particularly focused on promoting social development, social harmony, and the empowerment and emancipation of individuals.⁵⁹

58 Ending Violence Against Children in Lesotho Survey 2018; ECPTA International Contribution to the Global Thematic Report (2018); Kingdom of Lesotho Voluntary National Review on the Implementation of the Agenda 2030 Report 2019; Prevention of Violence Against Women and Girls: Stakeholder Network Analysis – Lesotho Country Report 2018.

59 International Federation of Social Work (IFSW) *The global definition of the social work profession* (2014); H Bartlett 'A working definition of social work practice' (2003) 13 *Research on Social Work Practice* 267-270.

6 Causes and consequences of child marriage in Lesotho

A question would then arise as to what causes or pushes the community to fall under this unlawful act, which is also under severe criticism by the world under different fora. The question, therefore, needs to be answered as to what might be the causes of this unlawful act in Lesotho.

Research shows that child marriage is the result of many societal issues, including patriarchal norms,⁶⁰ economic challenges,⁶¹ traditional beliefs,⁶² curtailed or limited access to education⁶³ as well as, in some instances, conflict or natural disaster-related disruptions.⁶⁴

The United Nations Children's Fund (UNICEF) indicates that families are propelled by poverty to give their daughters in marriage as a strategy for poverty alleviation, in the hope that the families will be secured by those in marriage.⁶⁵ Vulnerable girls sometimes perceive marriage as a way out of their circumstances such as poverty, whereas their spouses are also underprivileged, leading to further entrapment in sustained poverty. Circumstances, therefore, do not change for the better but rather worsen. As a result, children born out of these families will grow up in extreme situations and, resultantly, have the same experiences.

In some parts of Africa, including Lesotho, unemployed parents are driven by poverty to regard girls as financial inconveniences, especially as far as payment for their education is concerned.⁶⁶ They thus see marriage as an ultimate solution to reduce the economic burden on their households.

The enduring poverty leads to a challenge where parents do not realise that their belief to wed girls for financial protection

60 Sikweyiya and others 'Patriarchy and gender-inequitable attitudes as drivers of intimate partner violence against women in the central region of Ghana' (2020) 20 *BMC Public Health* 682.

61 M Seedat and others 'Violence and injuries in South Africa: Prioritising an agenda for prevention' (2009) 374 *The Lancet* 1011-1022.

62 K Sibanyoni and others 'Legislative responses to child victims of abduction into forced marriages in Lesotho' (2022) 11 *International Journal of Research in Business and Social Science* 495-502.

63 KJ Tjamela and others 'The effects of early marriage and early fertility on women educational attainment: Evidence of Lesotho' (2021) 8 *International Journal of Educational Policy Research and Review* 36-42.

64 S Mahato 'Causes and consequences of child marriages: A perspective' (2016) 7 *International Journal of Scientific and Engineering Research* 698-702.

65 UNICEF *Annual report of 2008*.

66 AU *Annual report of 2015*.

leads to ongoing vulnerability, as they still experience poverty after the marriage of their daughters.⁶⁷ Mosa and others, in their study conducted in Lesotho in the highlands, found that the family sometimes contributes to the child being abducted as they deliberately send the girl child somewhere to a place where she is unprotected. They intentionally create an opportunity for abduction, unknowing to the child, to take place. By sending her to that place, they create an environment conducive to the perpetrator snatching his victims uninterruptedly. In this manner, the parents become complicit in this activity as a consequence of poverty with which the family is confronted.⁶⁸

7 Challenges in implementing laws on child marriage in Lesotho

The implementation of the laws also requires that the people whom the law is meant to protect are aware of its content and how to seek assistance. Without effective implementation, the laws prohibiting child marriage remain good only on paper. There is poor awareness of existing laws in communities. Many people are not aware of the legal ramifications of child marriage and the laws themselves.

International standards require that children who are victims of child marriage be given the support, physically and psychologically, that is necessary.⁶⁹ Research reveals that adolescent mothers have negative experiences with healthcare personnel when they attempt to access services, which contributes to negative maternal outcomes.⁷⁰

Women and girls do not have sufficient information to understand and claim their rights. The legal empowerment of girls is central to creating a culture of justice, as it improves access to justice as well as to the quality of justice they receive. There is also a lack of understanding among parliamentarians and government officials regarding their obligations under international human rights laws and the need to utilise a human rights-based approach while implementing laws on child marriage.⁷¹

67 UNICEF *Annual report of 2015*.

68 MP Likoti & K Sibanyoni 'Children as victims of forced marriages in Lesotho: A question of cultural practice or approval of child exploitation' (2022) 9 *International Journal of Criminology and Sociology* 723-734.

69 SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.

70 R Apolot and others 'Maternal health challenges experienced by adolescents: Could community score cards address them? A case study of Kibuku district in Uganda' (2020) 19 *International Journal for Equity in Health* 19.

71 UNFPA, ESARO & Equality Now *Ending child marriage in Eastern and Southern Africa: Implementing domestic laws and the SADC Model Law on Child Marriage* (2023).

Girls may too often be depicted as victims or survivors rather than as rights holders. A focus on the lack of access to education or sexual and reproductive healthcare services should be reinforced with the issue of broader gender inequalities and power disparities that underpin the practice of child marriage. Although this article does not concern gender inequality in accessing sexual and reproductive health, the lack of education in that sphere plays a detrimental role, as a lack of access to sexual and reproductive healthcare services perpetuates unsafe sex, resulting in early pregnancies, leading to child marriage.

For example, it was documented that during the COVID-19 pandemic, the disruption in sexual and reproductive health services contributed to an increase in adolescent pregnancies and, in many settings, child marriages.⁷² UNFPA estimates indicated that

COVID-19 will disrupt efforts to end child marriage, potentially resulting in an additional 13 million child marriages taking place between 2020 and 2030 that could otherwise have been averted. By reopening schools, implementing effective laws and policies, ensuring access to health and social services – including sexual and reproductive health services – and providing comprehensive social protection measures for families, we can significantly reduce a girl’s risk of having her childhood stolen through child marriage.⁷³

Although this pandemic has subsided, it still serves as a reason why the country faced difficulties in fighting child marriage at that time and the progress made, albeit slow, suffered a tremendous setback. Therefore, it is important to equip the community-based formal and informal child protection structures with the necessary skills and knowledge to handle child protection issues. The role that the social workers can play in this regard is the provision of training and capacity building workshops to these structures.

8 Role of social workers in addressing child marriage

According to Becket, a social worker is a child protector who takes immediate action that is necessary to protect the child at risk from acute harm.⁷⁴ Patel defines social work as a profession that promotes

72 'Child marriages, pregnancies soar during pandemic' *ReliefWeb* 12 October 2020, https://reliefweb.int/report/world/child-marriage-pregnancies-soar-during-pandemic?gclid=Cj0KCQjw_r6hBhDdARIsAMIDhV82ogsdxpGUj5jYvYGsGvV5dlnBwfl_Ad-j0bQq3elQ0JTSP81glsAaAvPIELw_wcB (accessed 28 November 2024).

73 UNFPA Report of 2020.

74 C Beckett *Essential theory for social work practice* (2007).

social change, social cohesion, development, empowerment and the liberation of people.⁷⁵ Social work practice reflects the professional application of social work values, principles and techniques to one or more of the following ends: assisting people in obtaining tangible services; counselling and psychotherapy with individuals, families and groups; helping communities or groups to provide or improve social and healthcare services; and participating in legislative processes.⁷⁶

Social workers are professionally trained to consider their clients as individuals, families, organisations and communities that function in diverse environments. Grounded in a strengths-based approach to intervention, social work practitioners strongly believe in the capacity and potential for change at both the personal and community levels.⁷⁷

Social workers are held to the core values and principles of serving others, effecting social justice on behalf of vulnerable and marginalised populations, believing in the dignity and worth of individuals, recognising the importance of human relationships, and practising with integrity within their areas of competency.⁷⁸ Social workers promote social justice and, therefore, can facilitate programmes that will help girls to realise their full development by recognising their capacities and values.⁷⁹ This will prevent school drop-outs and contribute to a mental shift in societal norms that a girl's value is bound to become a mother and housewife.

Social workers can protect the rights of people by empowering them with skills to act when confronted by injustices.⁸⁰ Human rights-based approaches and practices create circumstances under which power and coercion can be changed through communal action to safeguard the rights of individuals and groups. In this regard, it was reported that social workers as counsellors take the responsibility of providing counselling and psychosocial support to affected populations.⁸¹

75 L Patel *Social welfare and social development in South Africa* (2005); L Patel & T Hochfeld 'Developmental social work in South Africa: Translating policy into practice' (2013) 13 *International Social Work* 690.

76 National Association of Social Workers (NASW) *Practice*, <http://www.naswdc.org/practice/default.asp> (accessed 28 November 2024).

77 D Saleebey *The strengths perspective in social work practice* (1997). See also PD Mišra *Social work philosophy and methods* (1994).

78 National Association of Social Workers (NASW) 'Code of ethics of the National Association of Social Workers: Ethical Principles', <http://www.socialworkers.org/code.asp> (accessed 28 November 2024).

79 S Kafula 'The role of social work in peace, human rights, and development in Africa' (2016) 3 *Journal of Education and Social Policy* 115.

80 J Ife *Human rights and social work: Towards rights-based practice* (2012).

81 L Nyahunda and others 'Role of social workers in mitigating the effects of climate change in Makonde communal lands, Zimbabwe' (2020) 16 *Asian Journal of Social Sciences and Humanities* 1823.

Social work has an important role to play in mainstreaming human rights and social justice issues. Social work intervention is required to challenge the causes of the practice of child marriage. Social workers should engage with girls, families and communities by facilitating access to resources for human development.⁸² This includes educating parents and communities about the importance of investing in education for girls. The connection between the achievement of formal educational qualifications and consequent occupational and career success is extensively valued as a result of investment in formal education.⁸³

Social workers can bring about social change by promoting a dual focus on the person and the environment, and the interaction between these two. Social workers wish to bring about social change to overcome limiting socio-cultural beliefs and institutional barriers to leading a full life. Social workers can empower girls to be aware of their rights, to have a chance to overcome the structural barriers to sustain social change and gender equality, which could bring about a positive cycle resulting in a healthy generation. Social workers' objective is to invest in people to enable them to take care of themselves. Thus, they are key in ensuring that communities are resilient and able to fend for themselves, even in the aftermath of child marriage.⁸⁴

As a key method in social work practice, community work involves working with communities to address shared problems.⁸⁵ Community workers involve community members to participate in understanding potential hazards as well as their capacities in responding to them.⁸⁶

Social workers have the ability and competence when it comes to cultural understanding. Likoti and Sibanyoni are of the view that in Lesotho, the culture of abduction is still practised, which is one way for children to enter into marriage.⁸⁷ With social workers in place, they can be instrumental in fostering cultural change and influencing the community to foster change among society.

82 C Chitereka 'Social work practice in a developing continent: The case of Africa' (2009) 10 *Advances in Social Work* 144-156.

83 J Midgley *Social development: Theory and practice* (2014). See also J Midgley *Social welfare in global context* (1997).

84 D Machimbidza 'Climate change and its implications on child welfare: An overview of Africa and Asia' World Social Work Day Symposium, University of Zimbabwe (2018).

85 T Manyeli 'The evolution of social welfare in Lesotho' (2007) 11 *Lesotho Social Sciences Review* 21-33.

86 D Machimbidza 'Effects of climatic changes on children's health in rural areas of Zimbabwe: A case of ward 12 Buhera district' University of Zimbabwe (2021).

87 As above.

In Lesotho communities, traditional leaders still have a role to play and still enjoy communal confidence. Because social workers are trained to influence cultural change, it is their role to equip community leaders, for instance, chiefs, with adequate information as to how to handle victims of child marriage and how to report it. This is critical as chiefs play a strategic role in the daily affairs of the community. Chiefs should have at their disposal adequate information, with which they can lead the community in the right direction.⁸⁸

The community should play a part in reintegrating the child from marriage into society.⁸⁹ For the community to be able to restore the child victim of marriage, social workers should have a role to play, from equipping society with skills to rehabilitate the victim.⁹⁰ They should be able to sensitise the community on such issues and remove the stigma always surrounding such child victim of marriage. This is because, as alluded to above, child marriage is also a cultural norm that attracts a stigma for children not involved in it.

Social workers are better placed to assume the roles of leadership in critical poverty reduction programmes. This is due to the understanding nature of their profession to always demand change for the betterment of the community through skills development projects. Social workers are trained to empower people and develop them. The issue of poverty reduction is critical in issues of child marriage as the literature cited above demonstrates that among the sources of child marriage, poverty is the leading cause.⁹¹

After COVID-19, studies reveal that the economic situation has worsened. The argument, therefore, is that there is a high possibility of a rise in the statistics of child marriage. However, social workers are able to use their skills to address the situation. This is because, as alluded to above, poverty is the main cause of child marriage. The

88 AL Sari 'The role of social workers in the development of tourism villages: Descriptive case study in Cianjur regency' (2017) 7 *JISPO* 1-23.

89 A Kiconco 'Returning from rebel captivity: Forced marriage, emotions and reintegration in Uganda' (2024) 10 *Journal of Migration History* 463-449; S Rebecca 'Moving on: Family and community reintegration among Indonesian trafficking victims' (2017) NEXUS Institute Washington, DC; PC Daniel 'The role of the church in reintegration of street children into their families in Lusaka district' (2025) 6 *British Journal of Multidisciplinary and Advanced Studies* 1-12.

90 FU Prasetyo 'The role of social workers in women's personality development training' Conference paper, Proceedings of the 2nd International Conference of Science Education in Industrial Revolution 4.0, ICONSEIR, 17 December 2019, Medan, North Sumatra, Indonesia 2-7.

91 J Millar & M Austin 'The role of social workers in welfare-to-work programmes: International perspectives on policy and practice' (2006) 5 *Journal of Policy Practice* 149-158.

rise in poverty, therefore, is directly proportional to the rise in child marriage.

Lesotho also has the National Information System for Assistance (NISA) tool,⁹² which is the single registry or database of the whole country. The purpose of the tool is to assist in planning, how to support the most vulnerable groups and identify their areas of need. This data is instrumental in assisting social workers to target the areas where there is high poverty rate (where the rate of child marriage is high) when they conduct the 'no to child marriage' sensitisation activities. The data has since been improved to align with the post-COVID-19 situation.

There is also the Lesotho Social Workers' (Draft) Bill 2024. This upcoming piece of legislation aims to improve the social work profession and establish its regulatory council. As a result, the country intends to improve the role and performance of social workers role in society, which includes fighting child marriage and improving community empowerment. This article argues that the enactment of this legislation will go a long way towards fighting child marriage in Lesotho.

The lesson learnt post-COVID-19 is that the use of digital technology, especially to reach young people, is crucial. The article argues that technology, youth, and social work are closely linked for purposes of fighting child marriage, especially in the urbanised and semi-urbanised societies in Lesotho. Some projects on ending child marriage focus entirely on young people. It becomes equally important that modern technology be used to assist in those projects, especially because the social workers of today are young and active people who are enlightened about technology and its use. It could be a simple task for them to administer online platforms that target child marriage.⁹³

In general, social workers' workforce remains relevant and instrumental as they have the cultural understanding to foster the

92 National Information System for Social Assistance (2010) relaunched in 2018 and updated in 2024.

93 MV Aguilar-Tablada and others 'Social work educational programmes aimed at the young: Redefining programmes to succeed?' (2020) 39 *Social Work Education* 41-59; EJ Gómez-Ciriano and others 'Is there anyone on the other side? About the opportunity of building educational social work focused on youth' (2020) 39 *Social Work Education* 1-8; AL Peláez & EJ Gómez-Ciriano 'Intercultural communication in social work practice' in R Guido & S Rasinger (eds) *The Cambridge handbook of intercultural communication* (2020) 319-334; AL Peláez and others 'Young people, social workers and social work education: The role of digital skills' (2020) 39 *Social Work Education* 825-842.

shift in this harmful cultural norm of child marriage. They are also trained professionally to deal with marginalised and vulnerable members of society. As a result, they are in a position to assist in rehabilitation and case management in cases of child marriage. Again, social workers by their nature are advocates for social change. They are best positioned to conduct the community empowerment initiatives and sensitise communities about child protection laws and abuse-reporting mechanisms. In this way, they remain at the top of the ladder as those equipped with the skills needed to reach the child.

9 Conclusion

Children should be allowed to complete their schooling to enhance their human capital. Educating girls will break the cycle of illiteracy and poverty in their families, thereby empowering their families and children to follow in their footsteps and, thus, sustainable development is promoted. Child marriage proves to be the deadliest social illness that needs urgent and serious attention from the country of Lesotho. As a result, social workers are the key personnel who can assist in this epidemic as they are equipped with requisite skills and capacities. On the other hand, the country needs to improve information dissemination strategies and popularise child protection laws.

10 Recommendations

In terms of capacity building, Lesotho should conduct continuous training and capacity building of relevant stakeholders. The training should include law enforcement officials, judicial officers, child protection and social welfare personnel, healthcare workers and education personnel.⁹⁴ Training should not be *ad hoc* but be conducted systematically, for both new personnel and continuous education for existing personnel. The training should include sensitivity in handling child marriage survivors, correct information on the effects of child marriage, as well as tackling prejudices.⁹⁵ These trainings will also be performed by social workers as they are trained professionally to provide psycho-social support.⁹⁶ Having

94 J Mitchell & RS Lynch 'Beyond the rhetoric of social and economic justice: Redeeming the social work advocacy role' (2003) 10 *Race, Gender and Class* 8-26.

95 FS Danis 'Social work response to domestic violence: Encouraging news from a new look' (2003) 18 *Affilia* 177-191.

96 L Mwansa 'Social work education in Africa: Whence and whither' (2011) 30 *Social Work Education* 4-16.

these stakeholders trained will not only improve the child protection system to be able to swiftly respond to the scourge of child marriage but rather, it will also improve the coordination between these service providers so that they will be able to easily communicate these issues and to timeously assist children.

This article does not seek to portray the work of fighting child marriage as being the sole responsibility of social workers. It should be understood, therefore, that this is an exercise that requires the collaborative effort among the professions that share a similar aim. This is why the article emphasises the need for collaboration among different personnel, while at the same time underlining the pivotal role of social workers.

Literature shows that social workers have a demonstrable ability in combating this unacceptable practice by using their role as educators, advocates and resource mobilisers. The ability to conduct resource mobilisation activities is clearly based on the availability of the right resources and motivations. As a result, a reasonable belief is that social workers have the ability to eliminate child marriage or, at the very least, to significantly reduce it. Although combating child marriage requires a multi-sectoral approach and collaboration between key stakeholders, as has been argued in previous paragraphs of the article, social workers play the leading and pivotal role.⁹⁷

As far as information dissemination is concerned, Lesotho needs to ensure that any new laws or amendments, when passed, are accompanied by a clear information dissemination strategy. This can be done by cascading information to local government structures and conducting awareness programmes in their constituencies. To disseminate this information is possible as Lesotho has local government councils where people are officially elected to constitute the government at the community level. Those leaders can pioneer this initiative and ensure that they spread the information. In this instance, the critical amendments and new laws are the Counter Domestic Violence Act 2022 and the Children's Protection and Welfare Amendment Bill 2023, which have not yet been enacted. These laws prescribe specific procedures and hold important issues that all the stakeholders working with child related issues must know and fully appreciate. The stakeholders such as prosecutors, police and judicial officers should be up-to-date with these developments

97 S Amadasun *Social work for social development in Africa* (2020); J Dalrymple & J Boylan *Effective advocacy in social work* (2013); M Nguyen & Q Wodon *Estimating the impact of child marriage on literacy and education attainment in Africa* (2011).

in order to fully implement these developments outlined in the upcoming pieces of legislations alluded to earlier. As a result, it remains important for these pieces of legislation and others related to child protection to be well disseminated.

Lesotho should translate new and existing laws into local languages to ensure that these are rendered accessible to community members.⁹⁸ The state should address any disinformation that might be circulating on child marriage,⁹⁹ and correct the narrative through clear, consistent information campaigns. The media can be engaged as an important partner.

Civil society organisations are important stakeholders in helping to spread information on the risks and consequences of child marriage. In Lesotho, many civil society organisations joined the government's call to end child marriage and, as a result, this recommendation is practicable. Community-based organisations, in particular, have networks that can help educate the community. Thus, the government of Lesotho should partner with these organisations to make the programmes more effective.

Parliamentarians should play a leadership role within communities as advocates to demystify taboos to prevent child marriage. Members of parliament play a leadership role and often are in the communities sharing messages of development to the nation. Issues of child marriage should also form part of their agenda.

In terms of protection services, the country should create peer and community support groups for children at risk of child marriage, in marriage, or in return from marriage. These can be in the form of voluntary groups utilising existing community structures such as church groups, cooperatives and burial societies. These can be trained to correct misinformation on child marriage and equipped with skills to deal with the myriad of challenges these children face emotionally and physically. Peer-to-peer counselling services can also be offered to restore the dignity of children that is lost due to the consequences of child marriage.

Support groups should also be trained on the content of the law, to create accessible referral mechanisms for children in need of

98 World Vision Lesotho led the initiative to translate the Counter-Domestic Violence Act 2022 of Lesotho.

99 The myths that circulate in society are that when you get married, you will be rich. For a boy child that marries, it resembles strong manhood; for girls, when they get married young, it is because they are disciplined, more especially when they get married in their neighbourhood.

services (including removal from marriage, medical or psychological services) and access to justice.¹⁰⁰

Teachers and other school authorities should be trained on how to handle readmitted learners, to reduce discrimination and stigmatisation of survivors of child marriage and young mothers.¹⁰¹ Schools can also periodically carry out sensitisation exercises, including publicising the referral mechanisms and integrating comprehensive sexuality education within the curricula.¹⁰² In Lesotho, life skills education is developed and made part of the curriculum. However, challenges remain as there are not adequate teachers to deliver the syllabus.

The provision of toll-free national helplines, which are as accessible as possible, will assist in protecting at-risk children.¹⁰³ In the case of rural children without access to telephones, clear referral pathways should be established at public institutions and be publicised. These should be linked to the support groups highlighted above, who will be better equipped to provide swift assistance.

The child helplines that were launched in 2008 have been relaunched in 2021 and now provide 24-hour emergency assistance, and long-term resources to children who have experienced any form of violence and are in need of care. Through the support of development partners, the government of Lesotho was able to employ permanent staff that work specifically to ensure that the child help line is available around the clock. Among others, the technical staff recruited are none other than social workers, whose mandate, among others, is to contact the community outreaches and teach children about their rights and raise awareness on harmful practices such as child marriage.

Social workers remain critical in this child help line system since, as soon as they receive calls regarding issues of child marriage, they will be able to make proper follow-ups in a skillful and proper manner as they remain professionals. This is key as they will be able to track and

100 The Ministry of Social Development in collaboration with World Vision Lesotho established the structures called Community Care Coalitions. This is the support group structure meant to provide psycho-social support services to children in the community. Members of the groups receive training and periodic workshops to improve their service delivery and address the challenges they face.

101 M Rupured and others 'Improving family financial security: A family economics-social work dialogue' (2000) 11 *Family Counselling and Planning* 1-8.

102 MT Hernandez & HJ Karger 'The decline of the public intellectual in social work' (2004) 31 *Journal of Sociology and Social Welfare* 51-68.

103 Child Helpline, which is toll-free in Lesotho, is available and children can call it any time they need help. The number is 116 and is accessible through Vodacom and Econet lines.

manage cases of child marriage and refer to other service providers through proper channels. Development partners such as World Vision Lesotho continue to play a crucial role in the strengthening of the child protection systems.¹⁰⁴ The national child protection reporting and referral pathways initiative has been launched. In this critical mechanism, aimed at protecting children against all forms of violence, including child marriage, social workers play a pivotal role.

This tool offers a clear mechanism through which community members, service providers and children themselves can report incidents of abuse. Importantly, this initiative defines the roles of various service providers, such as healthcare practitioners, police, the judiciary and psychosocial support service providers, in managing child protection cases from identification to resolution. The role of social workers remains topmost, as they are the ones responsible for psychologically supporting the children and soothing their souls, making them ready and available to access and enjoy other services.

Financially, the state should ensure sustainable financing, including adequate yearly appropriations in the budget and exploring opportunities to establish sustainable anti-child marriage funds as a best practice, to finance programmes aimed at supporting the eradication of child marriage. As part of adopting a multi-sectoral approach, budget allocation to different government sectors should include budget lines for mainstreaming activities that contribute to eliminating child marriage.

Budgetary allocations should be increased for social protection programmes aimed at alleviating poverty in the most vulnerable communities. As recommended by the SADC Model Law, governments should provide cash transfers to families to prevent child marriage and provide funds to girl children to enable them to complete secondary school.¹⁰⁵

Under its obligations under global and regional human rights treaties, Lesotho should align its domestic laws in line with international human rights standards, particularly in fixing the age of marriage at 18 years with no exceptions in line with article 6(b) of the African Women's Protocol and article 21(2) of the African Children's

¹⁰⁴ <https://www.wvi.org/publications/lesotho/strengthening-child-protection-launch-national-child-protection-reporting-and> (accessed 28 November 2024).

¹⁰⁵ Although not necessarily intended to delay children from getting married, the government of Lesotho has set up the child grants programme and the education bursary to support vulnerable children with their needs. This fund plays a pivotal role in ensuring that those who have nobody to take care of them are not left destitute and end up resorting to marriage.

Charter. Both these provisions prohibit marriage and the betrothal of children below the age of 18 years. States are required to apply this prohibition to all forms of marriage, including customary and religious marriages.

Importantly, in Lesotho, when the laws that seek to eradicate child marriage are enacted, the state must ensure that the domestication of global and regional human rights instruments that may impact on the rights of the child and women, is achieved, as the state has already committed to the obligations under these instruments. This commitment flows from the requirement in the Vienna Convention on the Law of Treaties of 1969 to act in good faith and not to invoke its domestic law to undermine its international obligations.