

**EDUCATION ACT 1995 - REVIEW**

**INPUTS**

**BY**

**THE CIVIL SOCIETY**

**Under**

**Campaign for Education Forum (CEF – Forum)**

**Supported by**

**Commonwealth Education Fund (CEF – Fund)**

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**BY CIVIL SOCIETY- CAMPAIGN**  
**FOR EDUCATION FORUM**

**1.0 Introduction**

This paper has been compiled by a number of Education Coalitions that operate at different levels of education in Lesotho. It was compiled in response to the review process of the Education Act of 1995 being undertaken by the Ministry of Education and Training in 2005. Both the Act and the white paper were reviewed and most of the issues raised are based on the UNCRC, ACRWC and CPW Bill content.

The Education Coalitions involved in this review included the NGO Coalition on the Rights of a Child (NGOC), Lesotho National federation of Organizations of the Disabled (LNFOD), Lesotho Pre-school and Day Care Association (LPDCA), Lesotho Save the Children (LSC), Lesotho Clothing and Allied Workers Union (LECAWU), Lesotho Association of Teachers (LAT), Lesotho National Council of Women (LNCW), operating as Campaign for Education Forum (CEF- Forum. Some of these organizations were also represented by some of their own affiliates/members in their own right as a result of their area of focus, namely, education and these were Good Shepherd, National Association of the Deaf in Lesotho (NADL), Lesotho Society of Mentally Handicapped Persons (LSMHP), Lesotho Association of the Physically Disabled (LAPD), Young Peoples Theatre, Khanya Support Group, Majoe-a-Litšoene Support Group and Female Correctional Institute.

Additionally, this document was shared with the Lesotho Council of NGO's (LCN) for additional input and/or comments because of the collaboration that we have with them which exists in various capacities.

**2.0 Process of Review**

With the support of the Commonwealth Education Fund (CEF-Fund), a series of meetings was made where different organizations discussed the Education Act 1995 – Under Review.

Each organization made its own consultations with its members and/ or governing bodies. A thorough review of the Act was made generally and in particular in view of o each organisation's goals and operations etc. All the views were then brought up for discussions and compiled as, in later text.

### **3.0 General Observations on the Act**

- 3.2** The Education Act 1995 as well as the White Paper have put a lot of emphasis on administration and management of the schools or education system rather than on the target group – children
- 3.3** Whilst the quality of education has been mentioned, it is not specific enough for practitioners and learners themselves, hence leaves room for any interpretation.
- 3.4** The International Instruments that were used as a basis for children’s rights did not include the African Charter on the Rights and welfare of a Child (ACRWC). More so, the Child Protection Bill/ Act of Lesotho was not consulted, seemingly. That is children’s Rights were not observed in context of Lesotho.
- 3.5** The Learning atmosphere of children has not been addressed specifically where children learn free of fear (corporal punishment), where learning materials are adequate and teachers are well trained and committed.
- 3.6** Education of children in different situations has not been addressed specifically and in clear terms e.g., children with disability or children in prison. This is explained in detail and specifically later in the text:

### **4.0 Specific Needs At Each Level of Education**

**4.1 Early Childhood Care and Development (ECCD):** this sector needs to be recognized and included as part of the overall education for a child. Its importance must be reflected even by its inclusion or adequate coverage in the Act:

- 4.1.1 Government should take full responsibility of ECCD and make it compulsory. This will imply budgeting for this level, at National level where government will provide financial support;
- 4.1.2 Pre-school education or training must be provided at the Lesotho College of Education (LCE) including training for teaching children with disability.
- 4.1.3 Pre-schools should be established in communities. A number of them should be attached to a primary school for support and guidance, financially, materially, and technically.
- 4.1.4 Preschools should operate either as government funded or as public. All of them should be governed following the same rules and regulations. Proprietors of Publicly

owned preschools should not be allowed to register more than one school under the same constitution.

- 4.1.5 The already existing preschools should not be closed without considering the future of children enrolled therein. The government must provide guidelines for their establishment.
- 4.1.6 The establishment of preschools must take into consideration the distance children have to travel to school.
- 4.1.7 Preschool education must also be accessed to children in prisons, other various institutions, children whose mothers work on the streets and children whose mothers' are children/teenage mothers.

#### 4.2 Education for children With Disability

- 4.2.1 The Education Act should specify all children's disabilities other than physical disabilities i.e. the visually impaired, the Deaf and the mentally retarded.
- 4.2.2 The law must protect the disabled learner from discrimination by teachers, other children or any other persons.
- 4.2.3 School committees should include persons or members specifically representing children with disabilities.
- 4.2.4 The Education Act must make provision for vocational training for children with disability irrespective of their previous academic achievement. Vocational institutions for mentally retarded must be attached to the existing vocational institutions.
- 4.2.5 Accessibility to toilets, kitchen and classrooms etc must be ensured for all learners with disability by enforcing the Public Building Act of 1996 in the Education Act;
- 4.2.6 Free and compulsory education must also apply to all learners with disabilities of all kinds, providing all necessary facilities, equipment and trained personnel.

### 4.3 Protection of Learners

- 4.3.2 The Education Act must specify abolition of corporal punishment of any kind for all children. Specific punishment for those who violate this law must be indicated in the Act, accordingly.
- 4.3.3 Education Act should specify inclusion of learners with disability where possible and provide for them adequately.
- 4.3.4 Special schools for children with **severe** disability must be situated to cater for the whole country in the districts
- 4.3.5 Children whose mothers are in prison must be provided with education, as a right.
- 4.3.6 The Education Law must provide adequate protection for learners in community schools from abuse and violation by parents, teachers and other children
- 4.3.7 Denial and dismissal of children from attending school by either school or parents/guardian must be addressed in the Act.

### 4.4 Independent Schools

- 4.4.1 The Act cannot have schools supported by the government and be independent at the same time. This has to be looked at again and examine its practicability.
- 4.4.2 For independent and public schools, fees and protection of learners must be monitored closely
- 4.4.3 The Act must establish a special commission for establishment of schools
- 4.4.4 The criteria for classifying schools as independent or public should be clearly spelt out

## 5 **Summary of Major Issues**

- 5.2 The ECCD be covered and be made an important part of Education Act, the very base for education;
- 5.3 Special Education for children with disability must be covered comprehensively by the Law;

- 5.4 Protection of learners in general as well as those with disability should be strengthened. The Child Protection and Welfare Bill of Lesotho should not be forgotten;
- 5.5 The independent schools to remain independent in the true sense and not to be supported by the government;
- 5.6 The Education Act should not be biased to management and administration issues only but should consider and address the learners, the learning atmosphere, and the quality of education as well as teachers themselves.

### **6.0 Conclusion**

The Civil Society commends the Ministry of Education and Training for this review of the Education Act 1995. This honourable step of improving the education system through the revision of the Education Act is applauded by the civil society that is committed in the education of the children of Lesotho, individually and collectively.

All the organizations that came together to make this input, may be contacted individually or collectively to clarify this submission or parts of it further. This may be done through the following contact(s):

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