

# Policy Watch

Issue 3



**Social Assistance Policy: A Foundation  
for Social Assistance Legal Framework**

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## Highlights

- Over the years, the Government of Lesotho worked to develop and scale up a lifecycle approach to social assistance; and is increasingly looking to deploy social assistance programmes in response to shocks
- Still, Lesotho has no overarching, all-encompassing legal framework to protect vulnerable populations through social assistance
- The Social Assistance Policy is meant to create the framework for a more harmonised and strengthened design and delivery of social assistance programmes, in line with the NSPS II strategy
- The policy acts as a guide for future legislation on social assistance programmes and also ensures a more rights-based approach to supporting vulnerable groups, including children, with social assistance



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## Background

To tackle monetary and multidimensional poverty effectively and and efficiently, Lesotho has established a comprehensive social assistance system over the past decades. Today, several core and complementary social assistance programmes form the core of the government's broader social protection agenda. The significant investments in social assistance programming are part of the government's commitment to protecting vulnerable groups and reducing poverty.

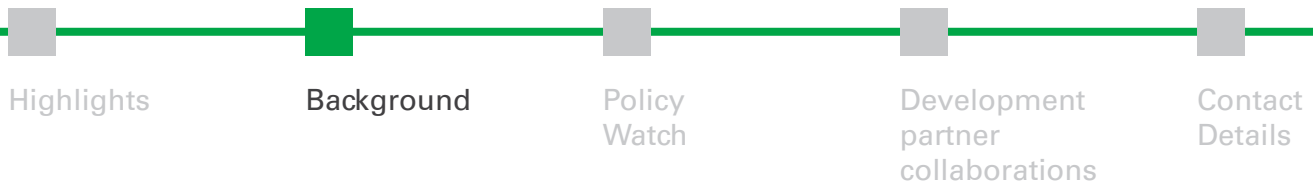
The responsibility of the Government of Lesotho to support vulnerable groups is enshrined in the constitution, which stipulates, "The state shall take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in the society and enable them to participate fully in all spheres of public life." As part of the government's efforts to fulfil its obligation and provide assistance to disadvantaged groups, the state's support has focused on children's welfare and protection, the elderly, and destitute people and persons with disabilities. Early social assistance efforts grew from the creation of the Department of Social Welfare and its Public Assistance Program in 1976 to address individual cases of destitution among the most vulnerable. Subsequent policy development resulted in the National Social Welfare Policy in 2003 and the National Orphans and Vulnerable Children Policy in 2005. Other laws and bills to fulfil the government's stipulation on protecting the most vulnerable and promoting equality of opportunity for disadvantaged groups included the Child Protection and Welfare Act of 2011,<sup>i</sup> the Old Age Pensions Act of 2005,<sup>ii</sup> and the recent enactment of the Disability Equity Act of 2020.<sup>iii</sup>

In addition to these laws and bills, the Government of Lesotho developed its first National Social Protection Strategy (NSPS I) 2014/15-2018/19 to implement the goals of the National Strategic Development Plan (NSDP) and protect citizens that are exposed to different vulnerabilities through the course of their lives. In 2022, the Government of Lesotho approved the second National Social Protection Strategy (NSPS II) that covers 2021 to 2031. The new strategy builds on the achievements and lessons from the NSPS I and strongly focuses on building a comprehensive and harmonised social protection system for Lesotho.<sup>iv</sup>

However, besides the Old Pension, Lesotho has no overarching legal framework to protect vulnerable populations through social assistance programming. Developing such a legal framework can render social assistance in Lesotho more rights-based and contribute to protecting the rights of groups with particular vulnerabilities based on age, gender, and disability. Furthermore, a policy will provide a guiding framework for a more harmonised and strengthened design and delivery of the various social assistance programmes in the country and act as a guide for future legislation on social assistance in the country.

***"The responsibility of the Government of Lesotho to support vulnerable groups is enshrined in the constitution..."***





## Challenges of the social assistance systems

- Despite significant progress, the social assistance system remains fragmented, and programme designs, including target groups and benefit level determination, are non-aligned. This causes many poor households to remain uncovered, but at the same time, overlaps of some social assistance programmes are also not monitored.
- Although most of the social assistance programmes use the National Social Registry, NISSA, some use different administrative systems, further aggravating fragmentation.
- For most programmes, determination of benefit levels, periodic reviews and adjustments of benefit levels, and payment frequency are not stipulated by guidelines, risking not only regular and timely payments of beneficiaries and adequacy of benefit levels but also resulting in non-alignment of benefit levels across programmes.
- There is furthermore a lack of operational guidance on eligibility criteria for some social assistance programmes that clearly outline graduation.
- There is limited integration of the operational processes of social assistance programmes in Lesotho. Aside from those running under NISSA, all programs use their own procedures and protocols for targeting, enrolment, payment, case management, grievances, and monitoring and evaluation, causing inefficiencies and duplication of efforts.
- The recent COVID-19 pandemic has shown that the current social assistance system could not be scaled up to respond to shocks rapidly.
- Complementarity and linkages from social assistance programmes to other social protection programmes or other sectors are only limitedly realised.
- Finally, challenges in mobilising funding for social assistance programming persist, particularly in light of the persistent needs of and vulnerabilities faced by the Basotho population.<sup>v</sup>



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## Policy Watch

The Social Assistance Policy defines social assistance as a set of policies and programmes that deliver cash and in-kind transfers that provide a minimum level of income support to individuals and households who are ultra-poor or poor and unable to work or construct a viable livelihood. These could be in the form of direct, regular, and predictable transfers that the government funds. The Social Assistance Policy has three broad objectives:

1. **Expand social assistance coverage** to reach vulnerable and poor households that need support due to risks and shocks affecting them.
2. **Strengthen social assistance programming** by creating synergies and linkages between programmes through cross-sector solid coordination.
3. **Harmonise implementation systems for** efficient, effective, and accountable delivery of social protection programmes.

In addition to clearly outlining the objectives of social assistance in the country and providing operational guidance on individual programmes, the policy defines and guides which are the vulnerable groups, eligibility criteria, exit strategies, benefit level, and payment frequency, what constitutes a shock-responsive social protection system, and many more. The development of the policy underlines the government's, particularly the previously-Ministry of Social Development (currently Ministry of Gender,

Youth, Sports, Arts, Culture and Social Development), continued commitment to providing social assistance to the Basotho population in need while expressing the desire to strengthen the system.

The policy has further embraced various principles. The **Human rights-Based** principle requires that social assistance promotes the progressive realisation of human rights. The **Needs Sensitive** principle encourage the inclusion of the needs faced by vulnerable groups in the design and implementation. The **Shock Responsive** principle demands social assistance to be scalable and respond rapidly to shocks. The **evidence-based** principle requires social assistance to be based on evidence and analysis of what works, when, where and why. The **timely, equitable, reliable** principle mandates that social assistance interventions be delivered in a timely, reliable, equitable, well-coordinated, and sustainable manner. The **harmonisation and integration** principle encourages the design, operational processes, and administrative systems to be progressively harmonised and integrated. The **partnerships and coordination** principle promotes strong government ownership, and leadership at all levels should provide for coordination and alignment. Finally, the **sustainability** principle demands the government to provide predictable and sustainable funding for social assistance programming. These principles promote a holistic, effective, and efficient social assistance system that addresses the challenges of the current system.

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# Social Assistance Policy Framework

## Principles

### **Rights based**

Social Assistance should promote progressive realisation of human rights

### **Needs Sensitive**

Design and implementation should incorporate and reflect the needs faced by vulnerable groups

### **Shock Responsive**

Social assistance should be scalable to rapidly respond to shocks

### **Evidence based**

Social assistance must be based on evidence and analysis of what works, when, where and why

### **Timely, equitable, reliable**

Social assistance interventions should be delivered in a timely, reliable, equitable, well-coordinated and sustainable manner

### **Harmonisation and integration**

Design, operational processes and administrative systems should progressively be harmonised and integrated

### **Partnerships and Coordination**

Strong government ownership and leadership at all levels should provide for coordination and alignment

### **Sustainable**

Government should provide predictable and sustainable funding for social assistance programming

The human rights-based principle, specifically, evokes the need to underpin the right to social assistance in a legal framework. Developing a legal framework for social assistance in Lesotho can make social protection more rights-based. A more rights-based approach strengthens the case for social protection, as social protection becomes the rights of citizens and the state's responsibility. It also helps inform the design of social protection programmes based on human rights principles of equality, non-discrimination, participation, and accountability.

This may include non-discriminatory affirmative action or targeting. A rights-based approach can also improve the government's capabilities to deliver social protection programmes through more robust evaluation and accountability mechanisms. The critical issue of how this human rights approach to social assistance in Lesotho will be reconciled with the inherent features of the designs of many social assistance schemes, such as the low levels of benefit and limited coverage of some programmes, will be further explored during implementation.



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# Development Partners Collaboration

The European Union (EU), the Government of Lesotho, and UNICEF entered into a partnership agreement in 2007 for the implementation of a national-level initiative to address the growing challenge of children orphaned or made vulnerable as a result of the HIV epidemic in Lesotho. Key outcomes of this partnership include: the initiation of the Child Grant Programme (CGP), which had reached 48,000 households in all rural areas of Lesotho by the end of 2022; the establishment of the National Information System for Social Assistance, a national wide social registry that contains socio-economic pieces of information of

over 488,000 households (about 90 per cent of all households) in Lesotho; and the drafting and approval of the second National Social Protection Strategy 2021-2031 (NSPS II) as well as the first ever Social Assistance Policy for Lesotho that is awaiting cabinet approval in 2023. As of January 2023, Phase III of the Government of Lesotho-EU-UNICEF partnership (2015 to 2022) to support the government in building an integrated social protection system has been concluded. An ambitious Phase IV of collaboration hinging on the digitisation of the social protection system and on linking social services for children from 0-5 is about to start.




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This Policy in Focus brief series is produced by Government of Lesotho jointly with UNICEF. The aim of the series is to encourage deeper discussion and understanding of issues important to children and the possible policy forward. To see other issues of our editorial series, visit: <https://lesotho.un.org/en/resources/publications>



- i. [http://www.socialdevelopment.gov.ls/docs/speeches/Simplified\\_Version\\_of\\_Children's\\_Protection\\_&\\_Welfare\\_Act.pdf](http://www.socialdevelopment.gov.ls/docs/speeches/Simplified_Version_of_Children's_Protection_&_Welfare_Act.pdf)
- ii. [http://www.ilo.int/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=93021&p\\_count=101348](http://www.ilo.int/dyn/natlex/natlex4.detail?p_lang=en&p_isn=93021&p_count=101348)
- iii. [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=112416&p\\_country=LSO&p\\_count=125](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=112416&p_country=LSO&p_count=125)
- iv. Please see <https://www.gov.ls/download/lesotho-national-social-protection-strategy-ii/> for the full NSPS II or the Policy Watch: NSPS II for more details on the NSPS II.
- v. For example, even though the budget for core social assistance programmes reached its high of 3.2 per cent of GDP in 2020/21 – up from 2.5 per cent the previous year – it is still below the 3.92 per cent GDP target the government set out in the NSPS.





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