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### **Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Lesotho**

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1971)	ICPPED (2013)	ICCPR-OP 2
	ICESCR (1992)		OP-CAT
	ICCPR (1992)		
	CEDAW (1995)		
	CAT (2001)		
	CRC (1992)		
	OP-CRC-AC (2003)		
	OP-CRC-SC (2003)		
	ICRMW (2005)		
	CRPD (2008)		
<i>Reservations and/or declarations</i>	CEDAW (reservation: art. 2, 1995)		
	OP-CRC-AC (declaration: art. 3, para. 2, age of recruitment 18 years, 2003)		
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	ICCPR-OP 1 (2000)	ICPPED (2013)	ICERD, art. 14
	OP-CEDAW, art. 8 (2004)		OP-ICESCR
	CAT, art. 20 (2001)		ICCPR, art. 41
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW, arts. 76 and 77
			OP-CRPD
		ICPPED, arts. 31 and 32	

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		ILO Conventions Nos. 169 and 189 <sup>8</sup>
	Rome Statute of the International		Additional Protocol III to the 1949 Geneva

Criminal Court	Conventions <sup>9</sup>
Palermo Protocol <sup>4</sup>	UNESCO Convention against Discrimination in Education
Conventions on refugees and stateless persons <sup>5</sup>	
Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>6</sup>	
ILO fundamental conventions <sup>7</sup>	

1. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that Lesotho was not a party to the 1960 Convention against Discrimination in Education and should be encouraged to ratify this instrument.<sup>10</sup>

2. In 2011, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the reservation to article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, with respect to succession to the throne and chieftainship. It took note of the information provided by Lesotho that the Government was considering reviewing its position, and urged withdrawal of the reservation.<sup>11</sup>

## B. Constitutional and legislative framework

3. In his statement dated 31 August 2014,<sup>12</sup> the Secretary-General expressed concern about the reported military takeover in Lesotho. He called for respect for the constitutional order and democratic rule, and urged all parties to refrain from violence and to work together towards a peaceful and lasting resolution of their differences. The Secretary-General welcomed earlier efforts by Southern African Development Community, the Commonwealth and other partners of Lesotho to support the restoration of trust among the members of the Coalition Government and urged all parties to continue to play an active role in the promotion of peace in Lesotho. He reaffirmed the continued support of the United Nations to those efforts.

4. In the 2013 Annual Report of the Resident Coordinator on Lesotho,<sup>13</sup> it was stated that the coalition parties struggled to form a cohesive government and to establish their “modus operandi” for coalition governance.

5. CEDAW was concerned that the Convention on the Elimination of All Forms of Discrimination Against Women had not yet been incorporated into the domestic law. It urged Lesotho to incorporate the Convention into its domestic legal system.<sup>14</sup>

6. CEDAW welcomed the enactment of the Anti-Trafficking in Persons Act (2011), but remained concerned at the continuing prevalence of trafficking in women and girls in Lesotho. It called on Lesotho to effectively implement this legislation.<sup>15</sup>

7. CEDAW welcomed the Children’s Protection and Welfare Act (2011),<sup>16</sup> as well as the adoption of the Education Act (2010), providing for free and compulsory primary education.<sup>17</sup>

8. UNESCO stated that there was no freedom of information law and that Lesotho should be encouraged to adopt such law in accordance with international standards.<sup>18</sup> Lesotho should also be encouraged to review its media-related laws including the Printing and Publishing Act (1967).<sup>19</sup>

9. UNESCO noted that defamation was a criminal offence. It stated that Lesotho should be encouraged to decriminalize defamation and insult laws, currently in the Penal Code, Sedition Proclamation and Internal Security General Act, and place them within the Civil Code that was in accordance with international standards.<sup>20</sup>

### C. Institutional and human rights infrastructure and policy measures

10. CEDAW recommended that Lesotho establish an independent national human rights institution in accordance with the Paris Principles, whose competencies should include issues relating to the equality of women and men.<sup>21</sup>

11. In 2013, Lesotho indicated, within the follow-up framework, that the 6th Amendment to the Constitution made a provision for the establishment of a human rights commission and that an enabling legislation for its establishment was in its second draft form. Part of the mandate of such a commission would be to encourage harmonization of national laws, policies and practices with international human rights instruments, to which Lesotho is a party.<sup>22</sup>

12. The United Nations Country Team (UNCT) stated that, on 22 May 2014, the National Human Rights Commission Bill had been approved by the Attorney General. UNCT recommended that a national human rights commission be operational by the end of 2014.<sup>23</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>24</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2000	--	--	Fifteenth report overdue since 2000
CESCR	--	--	--	Initial report overdue since 1994
HR Committee	April 1999	--	--	Second report overdue since 2002
CEDAW	--	2010	October 2011	Fifth report due in 2015
CAT	--	--	--	Initial report overdue since 2002
CRC	January 2001	--	--	Second report overdue since 1999; initial reports under OP-CRC-AC and OP-CRC-SC overdue since 2005
CMW				Initial report overdue since 2007
CRPD				Initial report overdue since 2011
CED				Report due in 2016

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CEDAW	2013	Definition of equality and non-discrimination; marriage and family relations. <sup>25</sup>	2013. <sup>26</sup> Follow-up dialogue on-going. <sup>27</sup>

## B. Cooperation with special procedures<sup>28</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>		
<i>Visits agreed to in principle</i>		
<i>Visits requested</i>		Extreme poverty
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, two communications were sent. The Government replied to one of them.	

## III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### A. Equality and non-discrimination

13. CEDAW noted that Section 18 of the Constitution of Lesotho prohibited discrimination of any kind and unfair treatment, and expressed concern at the absence of a specific prohibition of discrimination against women and at exceptions to the principle of non-discrimination in matters relating to adoption, marriage, divorce, burial, devolution of property, death or personal law matters. It urged Lesotho to prohibit discrimination, including discrimination against women, in the Constitution and other legislation.<sup>29</sup> Within the follow-up framework, in 2014, it indicated that Lesotho had failed to adopt provisions prohibiting discrimination against women and reiterated its previous recommendations.<sup>30</sup>

14. CEDAW expressed concern that the Citizenship Order 1971 did not provide Mosotho women with the same citizenship rights as men and urged Lesotho to amend this legislation.<sup>31</sup> Within the follow-up framework, Lesotho indicated that a task team had been set up to look into sections 40 and 41 of the Constitution, relating to citizenship, and to advise on steps to be taken with regard to dual citizenship and discrimination against women in relation to acquisition of citizenship by marriage.<sup>32</sup>

15. CEDAW expressed concern about the persistence of harmful norms, practices and traditions, patriarchal attitudes and deep-rooted stereotypes, regarding the roles and responsibilities of women and men, in particular, polygamy and bride price (Bohali). It urged Lesotho to modify or eliminate patriarchal attitudes and stereotypes discriminating against women and to strengthen understanding of the equality of women and men.<sup>33</sup> It also encouraged Lesotho to strengthen the use of temporary special measures in areas where

women were underrepresented or disadvantaged.<sup>34</sup> Within the follow-up framework, Lesotho recognized that women's rights were still encroached upon and that women continued to face discrimination especially in customary and cultural matters.<sup>35</sup>

16. In June 2013, the Working Group on the issue of discrimination against women in law and in practice sent a communication to the Government of Lesotho stating that, according to information received, the High Court of Lesotho upheld a provision of the Chieftainship Act No 10 of 1968, which discriminated against women. Section 10 of the Act is a restatement and codification of the customary law regarding succession to the office of a Chief. Sections 10, paragraphs 2 and 3, of the Act only allow a son of a Chief to succeed to that office, denying the same right to a daughter. If no son is available, Section 10, paragraph 4, of the Act allows a Chief's wife to succeed; however, once that wife's tenure ends, only the brother or uncle of the previous male Chief may succeed. Despite the Constitution protecting freedom from discrimination in section 18, sections 18, paragraphs 4 (b) and (c), create an exception for laws such as "application[s] of the customary law of Lesotho. The Government replied to this communication.<sup>36</sup>

17. UNCT noted that women's rights were limited in many areas due to discriminatory practices that were entrenched in the customs, beliefs and traditions. Gender issues were not prioritized in the national budget, which adversely affected relevant programmes. UNCT also noted that Lesotho was on track to achieving Millennium Development Goal 3. Gender balance had been attained in primary education. Women's participation in formal employment had increased progressively.<sup>37</sup>

18. The Office of the United Nations High Commissioner for Refugees (UNHCR) stated that lesbian, gay, bisexual, transgender and intersexed (LGBTI) individuals often faced daily discrimination by private individuals, lack of access to basic health services and to religious activities, as well as exclusion from the labour market.<sup>38</sup>

19. UNCT stated that sex workers and LGBTI persons were continually discriminated against as they were considered to be immoral and engaging in illegal activity.<sup>39</sup>

## **B. Right to life, liberty and security of the person**

20. UNCT stated that the death penalty was retained for offences including murder, treason and statutory rape. However, the death penalty had not been enforced since 1995.<sup>40</sup>

21. UNCT expressed serious concerns about police brutality, as well as torture and excessive use of force by the police. It noted that most cases of police brutality went unreported.<sup>41</sup>

22. UNCT stated that there was social acceptance of violence against children and women.<sup>42</sup> CEDAW expressed concern at the high prevalence of violence against women, in particular domestic and sexual violence, and at the absence of specific legislation addressing such violence. It urged Lesotho to enact the Domestic Violence Bill; prevent and address violence against women and girls and to recognize violence against women as a form of discrimination; ensure access to redress and protection for victims; and prosecute and punish perpetrators.<sup>43</sup>

23. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) expressed concern that migrant women and children, and young girls in particular, were vulnerable to sexual exploitation.<sup>44</sup>

24. CMW expressed concern that, as a result of incidents of domestic violence or as a consequence of HIV/AIDS, children were forced to move to border towns or neighbouring countries, where they faced situations of forced labour and sexual exploitation.<sup>45</sup>

25. UNCT stated that abduction of girls for forced marriage was prevalent in some regions. It was common for chiefs to oblige a perpetrator of child sexual abuse to marry the child victim (in line with customary Lerotholi laws).<sup>46</sup> While noting that the Children's Protection and Welfare Act (2011) amended the minimum age for entering into marriage to 18 years for both civil and customary marriages, CEDAW remained concerned at reports of persistence of forced and early marriages.<sup>47</sup>

26. UNCT stated that, although efforts were being made to improve Lesotho's prisons, the conditions in prisons remained poor. In 2011, the prisons had run out of food. Although there was no longer a shortage of food, the quality of food remained an issue. The prisons also suffered from inadequate medical care and poor sanitation.<sup>48</sup>

27. CEDAW remained concerned at the continuing prevalence of trafficking in women and girls in the country. It called on Lesotho to prosecute and punish perpetrators; adequately protect and assist victims; address root causes of trafficking and prostitution; and address efforts for the recovery and social integration of the victims.<sup>49</sup>

28. UNHCR stated that Lesotho was a source, transit and destination country for trafficking in persons. Women and children were subjected to conditions of domestic servitude, forced labour and commercial sexual exploitation. Lesotho enacted the Anti-Trafficking in Persons Act in 2011 to implement the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In 2012, Lesotho enacted the 2010 Penal Code Act, which criminalized abduction and sexual acts with children. The Multi-Sectorial Committee on Combating Trafficking in Persons was responsible for providing recommendations on legislation and policies to prevent trafficking. However, Lesotho lacked a comprehensive programme to curb trafficking and to provide support to victims. In 2012, Lesotho saw a trend of acquittals of alleged trafficking offenders. There were no assistance programmes for victims of trafficking, except those provided by non-governmental organizations. UNHCR recommended that Lesotho ensured effective implementation of the legislation on trafficking in persons.<sup>50</sup>

### **C. Administration of justice, including impunity, and the rule of law**

29. UNCT stated that, while access to justice was guaranteed in the Constitution, the quality of legal representation was often poor.<sup>51</sup>

30. UNCT noted the establishment of the Children's Court, which would enforce all criminal laws protecting children against child labour, child trafficking, commercial sexual exploitation and the use of children in illicit activities. Training of law enforcement officers in child protection had been conducted and the costing of the Children Protection Welfare Act had been completed. UNCT commended these positive steps to protect children's rights.<sup>52</sup>

31. While noting the roving legal aid clinics and the launch of the pilot project at Lapeng Care Centre, UNCHR expressed concern that this was the only centre in the country that provided services to victims of violence. Also, the centre only provided services during the day and was not exclusively for women victims of domestic violence.<sup>53</sup>

### **D. Right to privacy, marriage and family life**

32. UNHCR stated that the ambiguity surrounding the legality and illegality of homosexual relations negatively affected the economic, social and cultural rights of LGBTI persons. Although sodomy was prohibited as a common law offence, same-sex relations between women were not overtly proscribed under the current legislation. The Criminal

Procedure and Evidence Act prohibited male homosexuality and sodomy was listed as one of the offences for which arrests could be made without a warrant. Although the 2010 Penal Code Act brought about the implied legalization of same sex relations, the offence of sodomy had not been explicitly repealed. UNHCR recommended that Lesotho repeal legislation criminalizing male homosexuality.<sup>54</sup>

33. UNHCR stated that the marriage institution in Lesotho was an exclusive domain of heterosexuals. Moreover, although no mention of homosexuals was made anywhere in the Adoption Proclamation, homosexuals were not able to adopt a child as a couple because they were not allowed to enter into the institution of marriage and because of the criminalization of male homosexuality.<sup>55</sup>

34. CEDAW was concerned about discriminatory customary laws and practices, especially in rural areas and remote communities, with regard to, inter alia, marriage and its dissolution, inheritance and property rights. It called on Lesotho to prepare a unified family code in which unequal inheritance rights, property and land rights and polygamy were addressed; ensure equality between women and men in marriage and family relations; amend remaining discriminatory provisions and administrative regulations relating to family, marriage and divorce; and prohibit polygamy.<sup>56</sup>

35. In follow-up to the concluding observations of CEDAW, Lesotho stated that the Law Reform Commission was reviewing several Acts with the aim of developing a unified code on inheritance and give redress to the unequal inheritance rights. It also mentioned the enactment of the Land Act 2010, Section 4, paragraph 3, of which made any customary practice inapplicable if such practice was inconsistent with the Act.<sup>57</sup> The Land Administration Authority had been established and had assisted in effectively implementing provisions of the Legal Capacity of Married Persons Act and the Land Act 2010, which gave women the right to hold title to land without the need to inherit.<sup>58</sup>

36. Despite those measures, in 2014, CEDAW regretted the lack of information on measures taken to address land rights and polygamy, and noted that Lesotho had failed to amend discriminatory provisions and administrative regulations, relating to family, marriage, divorce and share of marital property. CEDAW reiterated its previous recommendations that Lesotho finalize the unified family code, ensuring that it addresses unequal inheritance rights, property and land rights and polygamy; amend discriminatory provisions; and prohibit polygamy.<sup>59</sup>

37. CEDAW was concerned that the Legal Capacity of Married Persons Act (2006) only applied to persons married under Roman Dutch Law (Common Law) and excluded Basotho customary law.<sup>60</sup> Within the follow-up framework, Lesotho reported about a proposed harmonization of the Laws of Lerotholi with the Legal Capacity of Married Persons Act and indicated that the process was at a draft bill stage for presentation to Parliament. The intention of the harmonization was to repeal Section 11 of the Laws of Lerotholi, which discriminated against women with regard to inheritance.<sup>61</sup>

## **E. Freedom of movement**

38. CEDAW was concerned at the difficulties encountered by the population of Lesotho, especially in rural and remote areas, to obtain passports. It urged Lesotho to ensure that the whole population, including those living in rural and remote areas, had access to passports.<sup>62</sup>



## **F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

39. UNCT stated that, during a strike by nurses at the Queen Mamohato Hospital in Maseru in April 2014, the police, using live rounds, fired at the nurses, injuring some of them.<sup>63</sup>

40. CEDAW welcomed and commended Lesotho for the efforts in applying temporary special measures with regard to the political participation of women, such as the provision in the Local Government Act of 2004 for a 30 per cent quota of women in local government, and the resulting 58 per cent women's representation that had been achieved.<sup>64</sup>

## **G. Right to work and to just and favourable conditions of work**

41. While noting the review in 2011 of the Basic Conditions of Employment for Public Officials, which extended the period of paid maternity, CEDAW was concerned at the continuing vertical and horizontal occupational segregation; persistent wage gap between women and men; and concentration of women in the informal sector. It urged Lesotho to ensure paid maternity leave for all women; guarantee equal pay for work of equal value; provide a regulatory framework for the informal sector; and adopt temporary special measures aimed at achieving equal opportunities for men and women in the labour market.<sup>65</sup>

42. UNCT stated that, while the minimum working age was 15 years and the minimum age for hazardous work was 18 years, children continued to work in domestic service, street vending and in agriculture, which were unprotected by the law. Children also continued to be engaged in the worst forms of labour.<sup>66</sup>

43. CMW expressed concern about the reported high number of children engaged in animal herding, street trading, textile and garment factories, and domestic work.<sup>67</sup>

## **H. Right to social security and to an adequate standard of living**

44. The Government of Lesotho reported that poverty was rife, with more than half of the population living below the poverty line. The level of poverty had been increasing since the turn of the twenty-first century and had been further propagated by recurring droughts that had caused food insecurity. Unemployment had also been identified as one of the key factors that contributed to the high level of poverty. It was higher among young people, who constituted almost half of the population, and was compounded by the high level of retrenchment of Basotho from mines in a neighbouring country, as well as the high income inequality. Malnutrition was a major challenge, with increased prevalence of stunting and underweight children.<sup>68</sup>

45. UNCT noted an increase in poverty and inequality. Although considerable strides had been made to roll out services and resources to rural areas, the mountainous terrain, poor rural infrastructure and occasionally extreme weather conditions were all major barriers to providing those services and resources.<sup>69</sup>

46. UNCT noted with satisfaction that, since 2007, the Ministry of Social Development, with the support by European Union and UNICEF had implemented the Lesotho Child Grants Programme, an unconditional social cash transfer targeting poor and vulnerable households. The Programme had, inter alia, contributed to an increased household expenditure on education, clothing and footwear, particularly for children. School

enrolment rates had increased by 10 per cent for boys and child labour had been reduced in the districts where the Programme had been rolled out.<sup>70</sup>

47. UNCT noted that the 2013 Annual Report of the Resident Coordinator indicated that 38.7 per cent of the population required food assistance. It stated that malnutrition was a major challenge and noted with concern the stunting of children less than five years of age, with the problem being more severe in the mountain districts. UNCT stated that there were no clear Government strategies to address the problem and that a national nutrition policy had been in the draft stage since 2009. Also, Lesotho lacked a national disaster risk reduction programme to respond to crises relating to food security.<sup>71</sup>

48. CMW noted that Basotho households depended heavily on remittances from family members working abroad, which accounted for a quarter of the gross domestic product of Lesotho in 2013. It expressed concern that high transfer costs, double taxation and corruption impeded the use of regular channels for remittance transfers and the full development impact of those transfers.<sup>72</sup>

## **I. Right to health**

49. UNCT stated that there were serious capacity gaps in the health sector, which included limited access to health facilities; unwelcoming attitude of health staff; very long travel times and distances to health centres in rural areas; a lack of essential medical supplies in health centres; and the denial of access to health services to children without the consent of their parents.<sup>73</sup>

50. UNCT noted that the Government of Lesotho had adopted the National Health Policy 2011 to enhance the delivery of quality health services efficiently, effectively and equitably to all Basotho. The Government of Lesotho had also abolished fees at all primary health-care facilities and provided outreach services for communities residing far from health facilities. Maternal and child health care was a priority area in the National Health Policy 2011. However, Lesotho generally suffered from a weak health-care system and the country lacked qualified human resources in the health sector. This had resulted in the progressive worsening of health indicators. UNCT noted that the 2013 Resident Coordinator Annual Report indicated that Lesotho was unlikely to achieve Goals 4, 5 and 6 of the Millennium Development Goals, owing to high rates of infant and maternal mortality.<sup>74</sup>

51. CEDAW noted the campaigns on accelerated reduction of maternal mortality and safe motherhood programmes, but expressed concern at the high maternal mortality rates. It urged Lesotho to improve women's access to health care and health-related services and to reduce the maternal and infant mortality.<sup>75</sup>

52. CEDAW was concerned at the prohibition of abortion.<sup>76</sup>

53. CEDAW was concerned at the limited access by women to quality reproductive and sexual health services. It urged the Government of Lesotho to increase access to affordable contraceptive methods as well as to family-planning information and services; and promote education on sexual and reproductive health.<sup>77</sup>

54. While noting the adoption in 2011 of the National HIV/AIDS Strategic Plan and National Action Plan on Women, Girls and HIV/AIDS 2011-2016, CEDAW noted with deep concern that Lesotho faced a serious epidemic and that women and girls were disproportionately affected by HIV. It urged the Government of Lesotho to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences.<sup>78</sup>

55. UNCT stated that Lesotho had made improvements regarding the prevention of mother-to-child transmission of HIV/AIDS. As at June 2014, 207 of 216 health facilities

were providing such prevention. Furthermore, 61 per cent of the facilities offered services for children living with HIV.<sup>79</sup>

56. UNCT noted the development and implementation of adolescent health standards by the Ministry of Health and other implementing partners to improve the quality and increase the coverage of adolescent health services. However, roll-out of the standards was slow.<sup>80</sup>

## **J. Right to education**

57. UNCT stated that Lesotho had one of the highest literacy rates in sub-Saharan Africa and was on track to achieve Millennium Development Goal 2. The provision of meals in schools and the granting of bursaries had stabilized attendance and increased enrolment rates. However, the quality of education remained low.<sup>81</sup>

58. UNCT noted that primary school was free and compulsory. However, primary school education system was not inclusive and, for instance, all schools did not accommodate children with disabilities. Also, pregnant girls were prevented from attending classes, but allowed to sit for exams.<sup>82</sup>

59. UNCT noted that, in 2013, only 23 per cent of boys and 37 per cent of girls were enrolled in secondary school. Secondary education was unaffordable for most children, especially the most vulnerable. It also noted that children did not attend school on a regular basis owing to a lack of study material, long distances to walk, or because they had to take care of sick family members. Sexual abuse by teachers was another cause for children to drop out of school. Owing to poverty, cultural practices and the high prevalence of HIV, a large number of girls were being forced to perform domestic work and boys had to tend to sheep in the mountains. That also had a negative effect on school attendance.<sup>83</sup>

60. While commending the gains achieved in the education of girls and women, CEDAW was concerned at the sharp decline in enrolment for the primary and secondary levels and the segregation of fields of study at the post-secondary level, with women and girls concentrated in traditionally feminine areas. It urged the Government of Lesotho to ensure equal access for girls and women to all levels and fields of education, increase capacity for girls at the secondary level and overcome traditional attitudes constituting obstacles to education for girls and women.<sup>84</sup>

61. CEDAW expressed concern at the high number of girls who suffer sexual abuse and harassment in schools, and on their way to or from school, by both teachers and classmates. It urged the Government of Lesotho to provide a safe educational environment free from discrimination and violence, as well as safe transportation to and from schools.<sup>85</sup>

62. UNCT stated that HIV and AIDS had a strong impact on the rights of children, as they were sometimes forced to leave school and forfeit their right to education in order to take care of either ailing parents or family members in cases where their parents were deceased.<sup>86</sup>

## **K. Cultural rights**

63. UNESCO stated that Lesotho was a State party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), and should be encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life.<sup>87</sup>

## **L. Persons with disabilities**

64. UNCT stated that Lesotho had ratified the Convention on the Rights of Persons with Disabilities in 2008, but that the Convention had yet to be incorporated into legislation. In 2011, a national disability policy had been introduced. Concerns relating to the rights of persons with disabilities included limited access to education, especially owing to lack of specialized equipment and other school materials and teachers who were not adequately trained; limited disability grants; and a lack of employment opportunities for persons with disabilities.<sup>88</sup>

## **M. Migrants, refugees and asylum seekers**

65. UNHCR stated that, while the nationality legislation was to a large extent in compliance with international standards on prevention of statelessness, a few gaps remained. There was no provision for granting nationality to abandoned children, which may render them stateless. Furthermore, Basotho citizens who were themselves born abroad could not pass on their Lesotho nationality to their children born abroad, which may lead to statelessness. The nationality legislation also contained some gender discriminative elements. Under Citizenship Order 1971 and the 1993 Constitution, Basotho women could not pass their nationality to their foreign spouses, unlike Basotho men, who had such right. UNHCR recommended that Lesotho amend the nationality legislation with regard to abandoned children and children born abroad to parents who were themselves born abroad, in order to bring the legislation into full compliance with the 1961 Convention.<sup>89</sup>

66. UNHCR stated that Lesotho did not have a statelessness determination procedure and that data on stateless persons was currently not available. It recommended the establishment of a statelessness determination procedure and a domestic legal framework for the protection of stateless persons, in line with the standards set out in the 1954 Convention, in order to ensure that stateless persons were able to enjoy their human rights.<sup>90</sup>

## **N. Right to development, and environmental issues**

67. In the 2013 Annual Report of the Resident Coordinator on Lesotho,<sup>91</sup> it was stated that, in early 2013, Lesotho suffered a drought induced by climate-change that had resulted in severe food insecurity. The adaption to climate change, as well as disaster risk management, needed a long term sustainable approach. Environmental degradation and related resilience continued to be a serious issue, and the impact of climate change manifested in consecutive annual droughts had led to a food security crisis affecting nearly all of the population.

68. UNCT noted that Lesotho was seriously prone to the effects of climate change. It also expressed concern about environmental degradation, such as soil erosion and decreased forestry coverage, which negatively affect food security and sustainable development.<sup>92</sup>

### *Notes*

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Lesotho from the previous cycle (A/HRC/WG.6/8/LSO/2).

<sup>2</sup> The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, at [www.icrc.org/IHL](http://www.icrc.org/IHL).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- <sup>8</sup> International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.
- <sup>9</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at [www.icrc.org/IHL](http://www.icrc.org/IHL).
- <sup>10</sup> UNESCO submission for the UPR of Lesotho, paras. 9 and 28.1.
- <sup>11</sup> CEDAW/C/LSO/CO/1-4, paras. 14 and 15.
- <sup>12</sup> Available from [www.un.org/sg/statements/index.asp?nid=7956](http://www.un.org/sg/statements/index.asp?nid=7956).
- <sup>13</sup> Available from [www.ls.undp.org/content/dam/lesotho/docs/Other/RCAR\\_2013\\_LES\\_NAR.pdf](http://www.ls.undp.org/content/dam/lesotho/docs/Other/RCAR_2013_LES_NAR.pdf).
- <sup>14</sup> CEDAW/C/LSO/CO/1-4, paras. 10 and 11.
- <sup>15</sup> Ibid., paras.4, 24 and 25.
- <sup>16</sup> Ibid., paras. 4, 24 and 38. See also CEDAW/C/LSO/CO/1-4/Add.1, para. 13.
- <sup>17</sup> CEDAW/C/LSO/CO/1-4, para. 4.
- <sup>18</sup> UNESCO submission for the UPR of Lesotho, paras. 20 and 28.
- <sup>19</sup> Ibid., para. 30.
- <sup>20</sup> Ibid., paras. 19 and 29.
- <sup>21</sup> CEDAW/C/LSO/CO/1-4, para. 41.
- <sup>22</sup> CEDAW/C/LSO/CO/1-4/Add.1, para. 6.
- <sup>23</sup> UNCT submission for the UPR of Lesotho, para. 2.
- <sup>24</sup> The following abbreviations have been used in the present document:
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| CERD         | Committee on the Elimination of Racial Discrimination  |
| CESCR        | Committee on Economic, Social and Cultural Rights  |
| HR Committee | Human Rights Committee   |
| CEDAW        | Committee on the Elimination of Discrimination against Women                                   |
| CAT          | Committee against Torture  |
| CRC          | Committee on the Rights of the Child   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities   |
| CED          | Committee on Enforced Disappearances   |
- <sup>25</sup> CEDAW/C/LSO/CO/1-4, para. 47.
- <sup>26</sup> CEDAW/C/LSO/CO/1-4/Add.1.
- <sup>27</sup> Letter dated 8 April 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Lesotho to the United Nations Office and other international organizations in Geneva, p. 3, available from [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LSO/INT\\_CEDAW\\_FUL\\_LSO\\_16992\\_E.pdf#page=1&zoom=auto,-82,842](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LSO/INT_CEDAW_FUL_LSO_16992_E.pdf#page=1&zoom=auto,-82,842).
- <sup>28</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>29</sup> CEDAW/C/LSO/CO/1-4, paras. 12 and 13.
- <sup>30</sup> Letter dated 8 April 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Lesotho to the United Nations Office and other international organizations at Geneva, pp. 1 and 2, available from [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LSO/INT\\_CEDAW\\_FUL\\_LSO\\_16992\\_E.pdf#page=1&zoom=auto,-82,842](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LSO/INT_CEDAW_FUL_LSO_16992_E.pdf#page=1&zoom=auto,-82,842). See also CEDAW/C/LSO/CO/1-4/Add.1, paras. 6 and 7.
- <sup>31</sup> CEDAW/C/LSO/CO/1-4, paras. 26 and 27.
- <sup>32</sup> CEDAW/C/LSO/CO/1-4/Add.1, para. 17.
- <sup>33</sup> CEDAW/C/LSO/CO/1-4, paras. 20 and 21.
- <sup>34</sup> Ibid., para. 19.
- <sup>35</sup> CEDAW/C/LSO/CO/1-4/Add.1, para. 5.
- <sup>36</sup> A/HRC/25/74, para 10.
- <sup>37</sup> UNCT submission for the UPR of Lesotho, paras. 5–7.
- <sup>38</sup> UNHCR submission for the UPR of Lesotho, p. 4.
- <sup>39</sup> UNCT submission for the UPR of Lesotho, para. 10.
- <sup>40</sup> Ibid., para. 12.

- 41 Ibid., para. 14.
- 42 Ibid., para. 20.
- 43 CEDAW/C/LSO/CO/1-4, paras. 22 and 23.
- 44 CMW/C/LSO/QPR/1, para. 11.
- 45 Ibid., para. 28.
- 46 UNCT submission for the UPR of Lesotho, para. 23.
- 47 CEDAW/C/LSO/CO/1-4, para. 38.
- 48 UNCT submission for the UPR of Lesotho, para. 17.
- 49 CEDAW/C/LSO/CO/1-4, paras. 24 and 25.
- 50 UNHCR submission for the UPR of Lesotho, p. 2.
- 51 UNCT submission for the UPR of Lesotho, para. 26.
- 52 Ibid., para. 28.
- 53 UNHCR submission for the UPR of Lesotho, p. 4.
- 54 Ibid., pp. 3 and 4.
- 55 Ibid., p. 3.
- 56 CEDAW/C/LSO/CO/1-4, paras. 36, 38 and 39.
- 57 CEDAW/C/LSO/CO/1-4/Add.1, para. 7.
- 58 Ibid., para. 8.
- 59 Letter dated 8 April 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Lesotho to the United Nations Office and other international organizations at Geneva, p. 2, available from [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LSO/INT\\_CEDAW\\_FUL\\_LSO\\_16992\\_E.pdf#page=1&zoom=auto,-82,842](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LSO/INT_CEDAW_FUL_LSO_16992_E.pdf#page=1&zoom=auto,-82,842).
- 60 CEDAW/C/LSO/CO/1-4, para. 38.
- 61 CEDAW/C/LSO/CO/1-4/Add.1, para. 7.
- 62 CEDAW/C/LSO/CO/1-4, paras. 26 and 27.
- 63 UNCT submission for the UPR of Lesotho, para. 16.
- 64 CEDAW/C/LSO/CO/1-4, para. 18.
- 65 Ibid., paras. 30 and 31.
- 66 UNCT submission for the UPR of Lesotho, para. 44.
- 67 CMW/C/LSO/QPR/1, para. 29.
- 68 Kingdom of Lesotho, Millennium Development Goals, Status Report 2013, available from [www.ls.undp.org/content/dam/lesotho/docs/Reports/MDGReport2013.pdf](http://www.ls.undp.org/content/dam/lesotho/docs/Reports/MDGReport2013.pdf).
- 69 UNCT submission for the UPR of Lesotho, para. 46.
- 70 Ibid., para. 47.
- 71 Ibid., paras. 48–51.
- 72 CMW/C/LSO/QPR/1, para. 27.
- 73 UNCT submission for the UPR of Lesotho, para. 61.
- 74 Ibid., paras. 55–57.
- 75 CEDAW/C/LSO/CO/1-4, paras. 32 and 33.
- 76 Ibid., para. 32.
- 77 Ibid., paras. 32 and 33.
- 78 Ibid., paras. 34 and 35.
- 79 UNCT submission for the UPR of Lesotho, para. 65.
- 80 Ibid., para. 59.
- 81 Ibid., para. 67.
- 82 Ibid., para. 68.
- 83 Ibid., paras. 69 and 70.
- 84 CEDAW/C/LSO/CO/1-4, paras. 28 and 29.
- 85 Ibid.
- 86 UNCT submission for the UPR of Lesotho, para. 34.
- 87 UNESCO submission for the UPR of Lesotho, para. 32.
- 88 UNCT submission for the UPR of Lesotho, paras. 75–77.
- 89 UNHCR submission for the UPR of Lesotho, p. 2.
- 90 Ibid., p. 3.
- 91 Available from [www.ls.undp.org/content/dam/lesotho/docs/Other/RCAR\\_2013\\_LES\\_NAR.pdf](http://www.ls.undp.org/content/dam/lesotho/docs/Other/RCAR_2013_LES_NAR.pdf).

<sup>92</sup> UNCT submission for the UPR of Lesotho, para. 80.

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