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Lesotho

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	4 Nov. 1971	None	Individual complaints (art. 14): No
ICESCR	9 Sept. 1992	None	–
ICCPR	9 Sept. 1992	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	6 Sept. 2000	None	–
CEDAW	22 Aug. 1995	Yes (art. 2)	–
OP-CEDAW	24 Sep. 2004	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	12 Nov. 2001	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	10 Mar. 1992	None	–
OP-CRC-AC	24 Sep. 2003	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	24 Sep. 2003	None	–
ICRMW	16 Sep. 2005	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
CRPD	2 Dec. 2008	None	–
<i>Core treaties to which Lesotho is not a party: OP-ICESCR,³ ICCPR-OP 2, OP-CAT, CRPD-OP, and CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol ⁴		Yes	
Refugees and stateless persons ⁵		Yes	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶		Yes, except Protocol III	
ILO fundamental conventions ⁷		Yes	
UNESCO Convention against Discrimination in Education		No	

1. In 2001, the Committee on the Rights of the Child (CRC) encouraged Lesotho to consider acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.⁸

B. Constitutional and legislative framework

2. In 1999, the Human Rights Committee (HR Committee) noted that the delegation itself admitted the incompatibility with ICCPR of some provisions of its Constitution and also of its legislation and practices. It recommended that Lesotho take measures to bring all its laws into full conformity with ICCPR.⁹

3. In 2000, the Committee on the Elimination of Racial Discrimination (CERD) noted the non-self-executing character of international conventions in Lesotho.¹⁰ It welcomed the Constitutional status granted to the protection of human rights and the recognition of the principle of equality of persons in the Constitution of Lesotho.¹¹

4. In 2001, CRC expressed concern that domestic legislation did not fully reflect the principles and provisions of the Convention on the Rights of the Child. It noted that customary law continued to be applied in many situations and is sometimes in contradiction with the Convention. CRC recommended that Lesotho ensure that ongoing customary law practices are in conformity with the Convention. It also recommended that Lesotho continue efforts to adopt new, or to amend, legislative instruments; undertake a review of all of its legislation; and consider the enactment of a comprehensive child rights statute, to ensure the full conformity of domestic legislation with the Convention.¹² In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that the adoption of the Children's Protection and Welfare Bill was still ongoing, and expressed the hope that the Bill would shortly be adopted.¹³

C. Institutional and human rights infrastructure

5. As of January 2010, Lesotho does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹⁴ In 1999, the HR Committee welcomed the establishment of an ombudsman under the Constitution.¹⁵

6. In 2009, the Secretary-General indicated that, in November 2008, OHCHR had participated in national consultations with civil society and members of Parliament to discuss the 2007 National Human Rights Commission Bill and relevant constitutional provisions to establish the Commission, with the outcome informing parliamentary discussions on the legislation.¹⁶ The 2008 annual report of the Resident Coordinator referred to the United Nations country team's advocacy of progress towards establishing a National Human Rights Commission.¹⁷ The 2008-2012 United Nations Development Assistance Framework (UNDAF) highlighted the United Nations system's support given to the establishment and operationalization of national commissions for human rights, gender and children.¹⁸ In 2001, CRC recommended that Lesotho proceed rapidly with the establishment of the Human Rights Commission in accordance with the Paris principles.

7. CRC recommended that consideration be given to providing a mechanism through which children can make complaints of abuses of their rights.¹⁹ CRC further recommended the establishment of governmental mechanisms for the coordination of the implementation of the Convention and that attention be given to strengthening coordination with, and between, NGOs working towards the Convention's implementation.²⁰

D. Policy measures

8. In 2001, CRC noted the development of numerous policies and strategies, including the “Vision 2020 initiative”, addressing, inter alia, the rights of children with disabilities, anti-poverty, the rights of youth, HIV/AIDS, early childhood care and development, and a draft reproductive health strategy.²¹ A 2007 United Nations Population Fund (UNFPA) report highlighted that Lesotho had developed a long-term national development plan, “Vision 2020”, while adding that only the education-related Millennium Development Goal (MDG) target was likely to be achieved by 2015.²² CRC was concerned at the absence of a national strategy to ensure respect for the rights of children with disabilities and urged Lesotho to develop a comprehensive national programme.²³

9. In 2005, Lesotho adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.²⁴

10. In 2009, the ILO Committee of Experts noted that the Government was in the process of implementing the National AIDS Strategic Plan and the Policy Framework on HIV/AIDS Prevention, Control and Management.²⁵

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁶</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1998	March 2000	–	Fifteenth to nineteenth reports overdue from 2000 to 2008 respectively
CESCR	–	–	–	Initial report overdue since 1994
HR Committee		April 1999	–	Second report overdue since 2002
CEDAW			–	Initial report overdue since 1996
CAT			–	Initial report overdue since 2002
CRC		26 January 2001	–	Second to fourth reports overdue from 1999 to 2009 respectively
OP-CRC- AC			–	Initial report overdue since 2005
OP-CRC- SC			–	Initial report overdue since 2005
CMW			–	Initial report overdue since 2007

11. The Committee on the Elimination of Discrimination against Women (CEDAW) decided to request that Lesotho submit its overdue reports as combined reports by July 2009, for consideration by CEDAW in the second half of 2010. As a last resort, and failing the receipt of the report within the suggested time frame, CEDAW will proceed with consideration of the implementation of the Convention in Lesotho in the absence of a report.²⁷

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	No
<i>Visits agreed upon in principle</i>	—
<i>Visits requested and not yet agreed upon</i>	—
<i>Facilitation/cooperation during missions</i>	—
<i>Follow-up to visits</i>	—
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, no communications were sent
<i>Responses to questionnaires on thematic issues</i>	Lesotho did not respond to any of the 16 questionnaires sent by special procedures mandate holders. ²⁸

3. Cooperation with the Office of the High Commissioner for Human Rights

12. In 2007, OHCHR conducted with the United Nations country team a workshop for parliamentarians in Lesotho on human rights and the spread and treatment of HIV/AIDS.²⁹ OHCHR results on the establishment of a national human rights commission were accepted by the authorities with a view to being incorporated in the forthcoming legislation.³⁰

B. Implementation of international human rights obligations

1. Equality and non-discrimination

13. In 2008, the independent expert on the question of human rights and extreme poverty noted that, although more girls than boys were educated, gender discrimination is widespread in employment and access to productive resources and credit. Instances of domestic and sexual violence were very common, despite the gender and development policy and the Sexual Offences Act of 2003.³¹ The 2008 annual report of the Resident Coordinator indicated that while Lesotho had made progress in promoting gender equality and empowerment of women, gender disparities still existed. Women are still subjected to various forms of discrimination.³² In 2008, the ILO Committee of Experts asked Lesotho to continue to provide information on the measures taken to abolish any discriminatory laws or practices that may impeded the full application of the ILO Discrimination (Employment and Occupation) Convention, and pursue legal reform to ensure equal rights of men and women, including progress made in adopting the Married Persons Equality Bill.³³

14. A 2007 UNFPA report indicated that discriminatory practices were entrenched in the customs, beliefs and traditions of Lesotho, and these limited women's rights in many areas. Women's vulnerability was reflected in rising levels of gender-based violence, the high prevalence of HIV and AIDS among women and girls, and the unequal participation of women in the decision-making process.³⁴ In 1999, the HR Committee was gravely concerned that both common and customary law permitted discrimination against women by treating them as minors.³⁵ Similar concerns were expressed by CRC in 2001.³⁶ The HR Committee noted with concern that, under customary law, inheritance and property rights of women are severely restricted and that under customary law, as well as under common

law, women may not enter into contracts, open bank accounts, obtain loans or apply for passports without the permission of their husbands. It urged the introduction of measures to repeal or amend these discriminatory laws and eradicate such discriminatory practices.³⁷

15. In 2008, the ILO Committee of Experts stressed, while recalling that the Constitution and the Labour Code contained non-discrimination provisions, the need for Lesotho to take concrete and proactive steps to promote equality and ensure non-discrimination in practice.³⁸ In 2001, CRC urged Lesotho to urgently strengthen efforts to ensure full implementation of the principle of non-discrimination, inter alia, by amending domestic legislation and increasing awareness among the population. CRC also urged Lesotho to give particular attention to ending discrimination against girls and women in legislation, customary law and in practice, to effectively address discrimination against vulnerable groups of children by improving their access to education and health services, and to ensure that children born out of wedlock can obtain travel documents as easily and quickly as all other children.³⁹

16. In 2000, CERD expressed concern about increasing expressions of xenophobia resulting in acts of racial discrimination, and about the absence from the 1971 Race Relations Order of a comprehensive legislative framework prohibiting and penalizing such acts. CERD encouraged Lesotho to establish appropriate and effective remedies and recourse mechanisms, and to implement fully all its obligations under the Convention.⁴⁰ In 2008, the ILO Committee of Experts noted that Lesotho had elaborated a Race Relations Bill 2004, which prohibited racial discrimination in access to public places, the use of public facilities or services, and schools.⁴¹

17. In 2008, the ILO Committee of Experts recalled its previous comments concerning existing ethnic tensions between the Basotho and ethnic Asian communities, and noted the statement by Lesotho that tensions between the Basotho and employers of Chinese origin were mainly caused by communication barriers and cultural differences, and that the Ministry of Labour had been raising the issue in training sessions with workers and employers in the textile industry.⁴²

18. In 2001, CRC noted with concern the lack of clarity in the definition of the child, arising from the fact that on the one hand the child was defined as a person under 18 years of age, while on the other hand the age of majority still remained 21. CRC was similarly concerned by the different minimum legal ages for marriage, the absence of a defined minimum age of sexual consent for boys, and the extremely low minimum age of criminal responsibility – currently seven years. CRC recommended that Lesotho review, and amend as appropriate, existing legislation to harmonize the age of majority and the overall definition of the child.⁴³

19. In 1999, the HR Committee noted with concern that a sexual relationship between consenting adult partners of the same sex was punishable under law and recommended that Lesotho amend the law in this respect.⁴⁴

2 Right to life, liberty and security of the person

20. In 1999, the HR Committee expressed concern about the excessive use of force by the police and security forces, including shooting of suspects to prevent their flight even in cases where there was no violence on the part of the suspects. It urged Lesotho to investigate such cases and ensure the prosecution and punishment of those responsible.⁴⁵

21. The HR Committee noted with concern that there were fairly numerous instances of torture of persons in custody. It strongly urged Lesotho to establish an independent authority consisting of respected civilians to receive and investigate complaints of torture and ill-treatment, provide redress to the victims and prosecute those responsible for torture and ill-treatment.⁴⁶

22. With regard to pretrial detention, the HR Committee expressed concern about the detention of suspects for periods longer than 48 hours before they are brought before a magistrate, and recommended that Lesotho take firm action to enforce its own legislative provision limiting pretrial detention to 48 hours before appearance before a magistrate.⁴⁷

23. In 2000, CERD expressed concern about the incidents of tension between Lesotho nationals and foreign factory owners which resulted in kidnapping, violence and the flight of about 100 Asian nationals from the country for fear of persecution. It recommended that Lesotho take measures to resolve the underlying socio-economic causes of these events.⁴⁸

24. In 2001, CRC was extremely concerned at incidents of violence, including beatings, committed against children by law enforcement officials and the lack of investigation or criminal justice response to such incidents. It recommended that Lesotho establish an effective child-friendly complaint and investigation system to address acts of violence committed by law enforcement or other officials against children, and ensure that the perpetrators of such acts do not enjoy impunity. CRC further urged Lesotho to strengthen awareness of children's rights issues within the criminal justice system.⁴⁹

25. A 2007 UNICEF report indicated that the reported incidence of sexual abuse of children was high, and that 179 of the 789 cases reported by the Child and Gender Protection Unit of the police between January and June 2006 concerned children. The UNICEF report highlighted the commitment of Lesotho to address child protection issues, including through extensive public sensitization regarding the Sexual Offences Act (2003) and the establishment of child protection teams in all districts.⁵⁰ In 2001, CRC recommended that cases of domestic violence, ill-treatment, sexual and other abuse within the family be properly investigated, and that sanctions be applied to perpetrators.⁵¹

26. In 1999, the HR Committee expressed its grave concern at the fact that the practice of female genital mutilation appeared to continue to exist in parts of Lesotho.⁵² CRC expressed similar concern in 2001.⁵³ The HR Committee called for the eradication of that practice and recommended that it be made punishable under law.⁵⁴

27. While noting the statement by the delegation that corporal punishment had been abolished, the HR Committee noted with concern the indication in the report of Lesotho that corporal punishment was still used, provided that a medical doctor was present.⁵⁵ Similarly, CRC expressed concern in 2001 that the practice continued to be widespread and recommended that Lesotho take measures to effectively implement legislation prohibiting corporal punishment in schools and in care and juvenile justice institutions, and consider prohibiting corporal punishment in the family.⁵⁶

28. In 2008, the ILO Committee of Experts noted that, according to the UNICEF Lesotho Child Labour Survey – Analytical Report in 2004, herding was considered the worst form of child labour because it often prevented the boys involved from attending school, involves long hours and night work, and exposed the children to extreme weather conditions in isolated areas.⁵⁷ In 2001, CRC also noted with concern the high and increasing number of children, especially boys, employed as animal herders, as well the number of children working in potentially dangerous conditions. CRC recommended, inter alia, that Lesotho ensure that sufficient resources were allocated to the effective enforcement of labour laws and the protection of children from economic exploitation.⁵⁸ In 2009, the ILO Committee of Experts encouraged Lesotho to take the necessary measures to protect children from hazardous work in the informal sector, including through the strengthening of the labour inspection system in this sector.⁵⁹ It also encouraged Lesotho to take effective and time-bound measures to protect girls engaged in domestic work from the worst forms of child labour.⁶⁰

29. In 2009, the ILO Committee of Experts requested that Lesotho take measures to prohibit the use, procuring or offering of a child under 18 years for the production and trafficking of drugs as a matter of urgency.⁶¹

30. CRC expressed concern that young girls in particular are vulnerable to sexual exploitation, and that the number of incidents of such exploitation were increasing. CRC recommended that Lesotho implement appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, especially girls. It recommended that Lesotho reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family.⁶²

3. Administration of justice, including impunity, and the rule of law

31. A 2004 Department of Economic and Social Affairs (DESA) report indicated that the Constitution provided for an independent judicial system, while the implementation of the necessary law reform was hampered by weaknesses in the administration of justice.⁶³

32. DESA also reported that the Prevention of Corruption and Economic Crime Offences Act No. 5 of 1999 provided for the establishment of a directorate on corruption and economic crime, made provision for the prevention of corruption and conferred power on the Directorate to investigate suspected cases.⁶⁴

33. In 1999, the HR Committee noted with concern the continuing influence of the military in civilian matters and the climate of impunity for crimes and abuses of authority committed by members of the military. It strongly urged that measures be taken to ensure the primacy of civil and political authority.⁶⁵

34. While CRC noted that a juvenile justice system had been established, it recommended that Lesotho take additional steps to undertake a comprehensive reform of the juvenile justice system in the spirit of the Convention and of other United Nations standards in this field.⁶⁶

4. Right to privacy, marriage and family life

35. In 2001, CRC expressed concern at low levels of birth registration and, in particular, that some registration procedures were inaccessible, cumbersome and expensive. It recommended that all necessary measures be taken to ensure that all children are registered at birth.⁶⁷

36. CRC noted with concern the reported increase in family breakdown related to a combination of factors, including HIV/AIDS, household poverty, and increasing unemployment. It expressed concern at the growing number of child-headed households. CRC recommended that Lesotho clarify, strengthen and ensure implementation of its policies and legislation in relation to family breakdown, and that Lesotho strengthen support to child-headed households, particularly in the light of the spread of HIV/AIDS.⁶⁸

37. With respect to the situation of children deprived of a family environment, CRC recommended that Lesotho develop additional programmes to strengthen its alternative care facilities, in particular an adequate and well-supported foster care system. CRC strongly recommended that Lesotho end the practice of using the Juvenile Training Centres to detain children as a form of alternative care.⁶⁹

38. CRC noted that Lesotho has legislation to regulate domestic adoptions, but that there is de jure discrimination against prospective African parents, and that the procedures were often slow and cumbersome. CRC recommended that Lesotho introduce effective and non-discriminatory regulatory and monitoring procedures with respect to both domestic and intercountry adoptions.⁷⁰

5. Freedom of expression, association and right to participate in public and political life

39. In 1999, the HR Committee was seriously concerned about reports of harassment of and repeated libel suits against journalists who criticized the Government. It was also gravely concerned about the reports that newspapers which adopted a negative attitude towards the Government were boycotted by State and parastatal companies placing advertisements, and that journalists working for the State who were seen at opposition demonstrations were required to resign. It urged Lesotho to respect freedom of the press and to desist from taking any action which would violate the freedom of the press.⁷¹

40. The HR Committee expressed concern that the relevant authority under the Printing and Publishing Act had unfettered discretionary power to grant or to refuse registration to a newspaper, and recommended that Lesotho provide for guidelines for the exercise of discretion and procedures for effective review of the validity of the grounds for refusal of registration, and bring its legislation into conformity with article 19 of ICCPR.⁷²

41. The HR Committee noted with concern that, although there had been improvement in the participation of women in the public and private sectors, the participation of women was still inadequate. It urged Lesotho to take the measures needed, including, if necessary, affirmative action, to further improve the participation of women in political life as well as public life, including the public and judicial services.⁷³ In 2008, the independent expert on the question of human rights and extreme poverty noted that the Local Government Electoral Amendment Act 2004 reserved 30 per cent of all electoral seats for women.⁷⁴ A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 11.7 per cent in 2006 to 25 per cent in 2009.⁷⁵

42. The 2008-2012 UNDAF highlighted a growing recognition of opportunities for further positive change in the development process following the general elections of May 2002, the local council elections of April 2005 and the February 2007 general elections. There was still need, however, to strengthen gender-sensitive, participatory governance for effective, rights-based service delivery at the district and community levels, *inter alia*.⁷⁶

6. Right to work and to just and favourable conditions of work

43. In 2008, the ILO Committee of Experts indicated that the National Advisory Committee on Labour had decided to review the Labour Code, and noted that the Government had stated that the ILO Committee's concerns would be taken into account in the course of the revision. It trusted that the necessary measures would soon be taken to bring the national legislation into compliance with the ILO Forced Labour Convention.⁷⁷

44. In 2008, the ILO Committee of Experts highlighted that the Employment and Earnings Survey indicated that women earned only 45 per cent of men's average monthly earnings in the private sector, with the ratio 83 per cent in the public sector. It urged Lesotho to take the necessary measures to address the existing gender wage gap, particularly in the private sector.⁷⁸

45. In 2007, the ILO Committee of Experts noted that section 198G (1) of the Labour Code provides that the members of a registered trade union, which represents more than 35 per cent of the employees of an employer that employed ten or more employees, were entitled to elect union representatives. It requested Lesotho to amend section 198G (1) so as to allow all workers to participate either as candidates or voters in the election of workplace representatives.⁷⁹

46. In 2009, the ILO Committee of Experts hoped Lesotho would soon be in a position to provide full information on the measures taken to amend section 19 of the Public

Services Act (2005) so as to ensure that the prohibition of the right to strike in the public service was limited to public servants exercising authority in the name of the State.⁸⁰

7. Right to social security and to an adequate standard of living

47. The 2008 annual report of the Resident Coordinator highlighted that the severe drought of 2007 and, inter alia, high food prices had left many people food insecure.⁸¹

48. A 2008 UNDP report indicated that reduced household incomes and employment opportunities for the many returning migrant miners was perpetuating food insecurity and chronic poverty.⁸²

49. The 2008 annual report of the Resident Coordinator stressed the need to urgently scale up multisector interventions for achieving a reduction in child mortality and an improvement in maternal health. Maternal mortality was currently on the increase, owing to, inter alia, a continuing decline in human resources and limited access to skilled care due to the rugged terrain.⁸³ A 2009 United Nations Statistics Division source indicated that the children under-five mortality rate per 1,000 live births was 68 in 2007.⁸⁴ In 2001, CRC noted with concern the poor health situation of children. CRC recommended that Lesotho allocate appropriate resources and develop comprehensive policies and programmes to improve health infrastructure and increase the number of trained health and welfare professionals (including mental health professionals). CRC also recommended that Lesotho improve the health situation of children; facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition; and improve access to safe drinking water and sanitation. CRC further recommended that Lesotho address health risks associated with male circumcision.⁸⁵

50. The Special Rapporteur on violence against women, its causes and consequences noted that women workers who were also mothers faced greater risk of maternal and child perinatal mortality because their long and inflexible work hours made it difficult to care for themselves during pregnancy and for their babies by attending medical clinics, recuperating from birth, breastfeeding and so on.⁸⁶

51. The HR Committee noted with concern that the law in force in Lesotho made abortion illegal except in cases where the woman was of unsound mind or the conception was the result of rape or incestuous intercourse. It recommended that Lesotho review the abortion law to provide for situations where the life of the woman is in danger.⁸⁷

52. A 2009 United Nations Statistics Division source indicated that the proportion of 15-49 years old living with HIV was 23.2 per cent in 2007. A 2007 UNFPA report highlighted that the vulnerability of youth is compounded by inadequate access to life skills-based sexual and reproductive health information and services, with, inter alia, gender-based violence and intergenerational sex exacerbating the situation.⁸⁸ In 2001, CRC expressed concern at the alarmingly high incidence and increasing prevalence of HIV/AIDS among adults and children, in particular among teenage girls, and the high incidence of teenage pregnancy and sexually transmitted infections. CRC urged Lesotho to give particular attention to the secondary consequences of HIV/AIDS, such as an increase in child-headed households following the death of adult family members.⁸⁹

53. A 2009 United Nations Statistics Division source indicated that the total proportion of the population using an improved drinking water source was 78 per cent in 2006.⁹⁰

8. Right to education and to participate in the cultural life of the community

54. In 2009, the ILO Committee of Experts expressed the firm hope that the Bill introducing free and compulsory education will soon be adopted.⁹¹ A 2009 United Nations

Statistics Division source indicated that the net enrolment ratio in primary education was 72.6 per cent in 2006.⁹²

55. In 2008, the ILO Committee of Experts observed that primary education had not yet been made compulsory and that, according to the concluding observations of CRC of 2001 (CRC/C/15/Add.147, para. 51), many children, in particular herders, children living in poverty, and children living in remote rural communities continued not to have access to education.⁹³ CRC also noted with concern the lack of trained teachers, the poor educational infrastructure and lack of equipment, the extent of overcrowding, the high pupil-teacher ratios, the high drop-out, illiteracy and repetition rates, the lack of basic training materials and shortages of text books and other materials.⁹⁴

9. Migrants, refugees and asylum-seekers

56. UNHCR submitted that Lesotho had enacted appropriate national refugee legislation.⁹⁵ It also submitted that Lesotho, in November 2009, had about 64 refugees of various nationalities. The majority of refugees living in Lesotho are fully integrated, economically productive and self-sufficient. The legislative framework and the Government's policy favour local integration. Refugees have the right to work, freedom of movement and access to social services, with the Government providing grants, as well as free accommodation and utilities for persons with specific needs.⁹⁶ However, UNHCR noted that several vulnerable refugees had recently had difficulties in accessing grants from the Government. In addition, the prevailing economic situation has fuelled xenophobic attitudes in the population.⁹⁷

57. UNHCR encouraged the continuation of the generous practices of the Government, such as unconditionally granting citizenship to all refugees who have resided in the country for five years or more.⁹⁸

III. Achievements, best practices, challenges and constraints

58. The 2008 annual report of the Resident Coordinator indicated successes in the promotion of gender, namely the establishment of the Ministry of Gender, the development of a Gender Policy, Gender and Child Protection Unit and the affirmative action approach to local governance representation.⁹⁹

59. The 2008-2012 UNDAF indicated that the ongoing crisis of Lesotho had resulted from the nexus of widespread and increasing HIV infection, growing pervasive poverty, and food insecurity.¹⁰⁰ The 2007 annual report of the Resident Coordinator indicated that at 23.2 per cent infection rate, HIV and AIDS continue to be the number one cause of all illnesses and deaths in Lesotho.¹⁰¹ The 2008 annual report of the Resident Coordinator indicated that Lesotho remains highly food insecure, and that during 2007 and 2008, the country suffered devastating consequences of a drought, with the combination of low yields and high food and commodity prices keeping many households vulnerable.¹⁰²

60. In 2001, CRC acknowledged that the economic and social difficulties facing Lesotho and the human rights situation in general had had, and were continuing to have, a negative impact on the situation of children and were impeding the full implementation of the Convention. In particular, CRC noted the impact of the increasing level of poverty, very high unemployment and the emigration of professionals on children. CRC further noted that the impact of HIV/AIDS also adversely affected the full implementation of the Convention.¹⁰³

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

61. UNHCR urged Lesotho to work closely with United Nations organizations and specialized agencies to further enhance integration policies and put in place programmes fostering tolerance.¹⁰⁴

V. Capacity-building and technical assistance

62. The 2008-2012 UNDAF listed as expected outcomes a strengthened national capacity to sustain universal access to HIV prevention, treatment, care and support as well as impact mitigation, improved and expanded equitable access to quality basic health, education and social welfare services for all. Furthermore, that increased employment, household food security and enhanced natural resource and environmental management governance institutions are strengthened.¹⁰⁵

63. CRC joined with Lesotho in expressing the need for additional technical assistance and international cooperation.¹⁰⁶ It recommended that Lesotho seek technical assistance from relevant United Nations entities regarding: children with disabilities;¹⁰⁷ juvenile justice and police training;¹⁰⁸ child health improvement;¹⁰⁹ and education.¹¹⁰

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this 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;
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 the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 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.
- ⁶ 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); Convention relative to the Treatment of Prisoners of War (Third Convention); 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); 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 Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html
- ⁷ 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.
- ⁸ Committee on the Rights of the Child, concluding observations adopted on 26 January 2001 (CRC/C/103), para. 350.
- ⁹ Human Rights Committee, concluding observations adopted on 6 April 1999 (A/54/40), paras. 245 and 252.
- ¹⁰ Committee on the Elimination of Racial Discrimination, concluding observations adopted on 23 March 2000 (A/55/18), para. 113.
- ¹¹ *Ibid.*, para. 111.
- ¹² CRC/C/103, paras. 319–320.
- ¹³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009LSO182, first paragraph.
- ¹⁴ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ¹⁵ A/54/40, para. 246.
- ¹⁶ A/64/230, para. 21; see also OHCHR, *2008 Annual Report: Activities and Results*, pp. 72, 81 and 154.
- ¹⁷ Resident Coordinator, Annual Report 2008, p. 3. Available at http://www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_LES_NAR.pdf.
- ¹⁸ United Nations Development Assistance Framework (UNDAF) for Lesotho 2008–2012, 2007, p. 8, available at <http://www.undp.org.ls/documents/UNDAF%202008%20-%202012.pdf>.
- ¹⁹ CRC/C/103, paras. 323–324.
- ²⁰ *Ibid.*, paras. 321–322.
- ²¹ *Ibid.*, para. 314.
- ²² DP/FPA/DCP/LSO/5, para. 7.
- ²³ CRC/C/103, paras. 359–360.
- ²⁴ See General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24 of 28 September 2007. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007. Available at

<http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

²⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009LSO182, tenth paragraph.

²⁶ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CRC	Committee on the Rights of the Child.

²⁷ Committee on the Elimination of All Forms of Discrimination against Women, Annual report (A/62/38 part III (2007)), para. 675.

²⁸ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.

²⁹ OHCHR, *2007 Annual Report: Activities and Results*, p. 73.

³⁰ OHCHR, *2008 Annual Report: Activities and Results*, p. 72.

- ³¹ Report of the independent expert on the question of human rights and extreme poverty (A/HRC/7/15), para. 73.
- ³² Resident Coordinator, Annual Report 2008, p. 2.
- ³³ ILO Committee of Experts, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008LSO111, second paragraph.
- ³⁴ DP/FPA/DCP/LSO/5, para. 6.
- ³⁵ A/54/40, para. 253.
- ³⁶ CRC/C/103, para. 335.
- ³⁷ A/54/40, para. 253.
- ³⁸ ILO Committee of Experts, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008LSO111, fifth paragraph.
- ³⁹ CRC/C/103, paras. 335–336.
- ⁴⁰ A/55/18, para. 114.
- ⁴¹ ILO Committee of Experts, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008LSO111, seventh paragraph.
- ⁴² Ibid., seventh paragraph.
- ⁴³ CRC/C/103, paras. 333–334.
- ⁴⁴ A/54/40, para. 256.
- ⁴⁵ Ibid., para. 260.
- ⁴⁶ Ibid., para. 259.
- ⁴⁷ Ibid., para. 261.
- ⁴⁸ A/55/18, para. 112.
- ⁴⁹ CRC/C/103, paras. 343–344.
- ⁵⁰ UNICEF, Revised country programme document: Lesotho (2008-2012), para. 11. Available at [http://www.unicef.org/about/execboard/files/07-PL36-Lesotho\(2\).pdf](http://www.unicef.org/about/execboard/files/07-PL36-Lesotho(2).pdf).
- ⁵¹ CRC/C/103, para. 352.
- ⁵² A/54/40, para. 255.
- ⁵³ CRC/C/103, para. 357.
- ⁵⁴ A/54/40, para. 255.
- ⁵⁵ Ibid., para. 263.
- ⁵⁶ CRC/C/103, paras. 341–342.
- ⁵⁷ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008LSO182, eleventh paragraph.
- ⁵⁸ CRC/C/103, paras. 365–366.
- ⁵⁹ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009LSO182, sixth paragraph.
- ⁶⁰ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008LSO182, thirteenth paragraph.
- ⁶¹ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009LSO182, second paragraph.
- ⁶² CRC/C/103, paras. 367–368.
- ⁶³ Department of Economic and Social Affairs (DESA), Lesotho – Public Administration Country Profile, 2004, New York, pp. 6–7. Available at <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan023270.pdf>.
- ⁶⁴ DESA, Lesotho – Public Administration Country Profile, p. 11.
- ⁶⁵ A/54/40, para. 257.
- ⁶⁶ CRC/C/103, paras. 371–372.
- ⁶⁷ Ibid., paras. 339–340.
- ⁶⁸ Ibid., paras. 345–346.
- ⁶⁹ Ibid., paras. 347–348.
- ⁷⁰ Ibid., paras. 349–350.
- ⁷¹ A/54/40, para. 265.

- ⁷² Ibid., para. 266.
- ⁷³ Ibid., para. 268.
- ⁷⁴ A/HRC/7/15, para. 73.
- ⁷⁵ United Nations Statistics Division coordinated data and analyses. Available at: <http://mdgs.un.org/unsd/mdg>.
- ⁷⁶ UNDAF for Lesotho 2008-2012, p. ii.
- ⁷⁷ ILO Committee of Experts, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29), 2008, Geneva, doc. No. (ILOLEX) 092008LSO029, third and fourth paragraphs.
- ⁷⁸ ILO Committee of Experts, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2008, Geneva, doc. No. (ILOLEX) 092008LSO100, sixth paragraph.
- ⁷⁹ ILO Committee of Experts, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1949 (No. 87), 2007, Geneva, doc. No. (ILOLEX) 062007LSO087, third paragraph.
- ⁸⁰ ILO Committee of Experts, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1949 (No. 87), 2007, Geneva, doc. No. (ILOLEX) 062009LSO087, sixth paragraph.
- ⁸¹ Resident Coordinator, Annual Report 2008, p. 1.
- ⁸² UNDP, Programme document for Lesotho (2008-2012), para. 4. Available at <http://www.undp.org.ls/practice/cdp.php>.
- ⁸³ Resident Coordinator, Annual Report 2008, pp. 1–2.
- ⁸⁴ United Nations Statistics Division coordinated data and analyses.
- ⁸⁵ CRC/C/103, paras. 353–354.
- ⁸⁶ Addendum to the report of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/11/6/Add.6), para. 47.
- ⁸⁷ A/54/40, para. 254.
- ⁸⁸ DP/FPA/DCP/LSO/5, para. 5.
- ⁸⁹ CRC/C/103, paras. 355–356.
- ⁹⁰ United Nations Statistics Division coordinated data and analyses.
- ⁹¹ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009LSO182, eighth paragraph.
- ⁹² United Nations Statistics Division coordinated data and analyses.
- ⁹³ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008LSO182, tenth paragraph.
- ⁹⁴ CRC/C/103, para. 361.
- ⁹⁵ UNHCR submission to the UPR on Lesotho, p. 1.
- ⁹⁶ Ibid., p. 1.
- ⁹⁷ Ibid., p. 2.
- ⁹⁸ Ibid., p. 2.
- ⁹⁹ Resident Coordinator, Annual Report 2008, p. 2.
- ¹⁰⁰ UNDAF for Lesotho 2008–2012, p. 1.
- ¹⁰¹ Resident Coordinator, Annual Report 2007, p. 1, available at http://www.undg.org/RCAR/07/finalized/pdfs/RCAR_2007_LES_NAR.pdf. See also United Nations Statistics Division coordinated data and analyses.
- ¹⁰² Resident Coordinator, Annual Report 2008, p. 2.
- ¹⁰³ CRC/C/103, para. 318.
- ¹⁰⁴ UNHCR submission to the UPR on Lesotho, p. 2.
- ¹⁰⁵ UNDAF for Lesotho 2008–2012, pp. ix–xx.
- ¹⁰⁶ CRC/C/103, para. 329.
- ¹⁰⁷ Ibid., para. 360.
- ¹⁰⁸ Ibid., para. 372.
- ¹⁰⁹ Ibid., para. 354.
- ¹¹⁰ Ibid., para. 362.