



General Assembly

Distr.: General
29 October 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-first session
19 – 30 January 2015

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*


Lesotho

* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.14-19394 (E)



* 1 4 1 9 3 9 4 *

Please recycle 



I. Methodology and consultation process

1. Lesotho was reviewed in May 2010. She accepted 96 recommendations and rejected 22. Lesotho has not relented on meeting her international obligations despite setbacks such as inadequate requisite resources and capacity.

2. Following the review, a Coordinating Committee was established in 2011 to oversee the implementation of the recommendations. With the assistance of United Nations Development Programme (UNDP) and the Irish Aid, meetings were held thereafter, with the aim of updating the Human Rights Unit (the Unit) on the progress made by stakeholders. In 2013, a progress report was prepared, from which in August 2014 a working document was developed by the Unit and the Legal Department of the Ministry of Foreign Affairs. The document was then submitted to the Coordinating Committee and the Inter-Sectoral Committee on Human Rights, both composed of members of Civil Society Organizations and Government Ministries, for comments and further deliberations. A National workshop involving all stakeholders was held on 2–3 October 2014 to validate the report. The draft report received technical assistance from the Commonwealth Secretariat through its Human Rights Unit.

II. Background

3. Lesotho experienced her fifth democratic elections in May 2012 and the elections culminated in the existing coalition Government (All Basotho Convention, Lesotho Congress for Democracy and Basotho National Party), being the first in the history of Lesotho.

III. Follow-up to the previous review: Implementation of accepted recommendations

A. International obligations and technical assistance (Recommendations 96: 13, 26, 27, 29, 31, 36. 97: 1, 2, 3, 5, 6, 8, 11, 46, 47)

4. The International Convention for the Protection of All Persons From Enforced Disappearances was ratified on 6 December 2013.

5. To give effect to the Convention on the Rights of Persons with Disabilities, the National Disability and Rehabilitation Policy was adopted by Cabinet in 2011. The Policy focuses on disability as a human rights issue and recognizes that to compete favorably, persons with disability should have access to education, training, employment, health and other aspects of life. The legislation is presently being drafted.

6. The Protocol on Trafficking in Persons was ratified in 2003 and has been domesticated through the enactment of the Anti-Trafficking in Persons Act 2011. A National Anti-Trafficking in Persons Strategic Framework and Action Plan 2014-2016 was officially launched in July 2014. This was supported by the United Nations Office on Drug and Crime in partnership with the Southern Africa Development Community through a regional project funded by the Government of the United States to monitor and Combat Trafficking in Persons.

7. Through the financial assistance of the European Union (EU) and the technical assistance of the United Nations Children's Fund (UNICEF), Lesotho has enacted a Children's Protection and Welfare Act (CPWA) 2011 which domesticates the United

Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Act is to be administered and enforced so as to enhance promotion, protection and realization of rights and welfare of children.

8. To domesticate the United Nations Declaration of Basic Principles of Justice for the Victims of Crime and Abuse of Power, the Constitution was amended (6th Amendment in 2011) to entrench protection of rights of victims of crime, including mechanisms to ensure compensation for victims of crime and assist vulnerable groups of victims of crime. The institutional infrastructure of the office was enhanced in 2011/12 financial year. The office marks a significant departure from offender oriented criminal justice system to a victim's rights oriented justice system. This move was a response to a national outcry that the Lesotho Criminal Justice System protects the rights of culprits as opposed to those of victims of crime.

9. The Unit received technical and financial assistance under the Consolidation of Democracy and Good Governance Programme which was funded by United Nations Development Programme (UNDP) and the Irish Aid. One of the components of support was on state party reporting. The Unit has compiled draft reports on the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and the Convention Against Torture. The reports are awaiting cabinet approval for onward submission to their relevant treaty monitoring bodies.

10. There is also a draft report on the International Covenant on Elimination of All Forms of Racial Discrimination which is awaiting validation by stakeholders while the report on Convention on the Rights of the Child (CRC) has been submitted to the UN Committee on CRC through the assistance of UNICEF. Further, at regional level, the report on the African Charter on the Rights and Welfare of the Child has been submitted while the report on the African Charter on Human and People's Rights is awaiting stakeholders' validation before submission to Cabinet for approval in the first quarter of 2015.

11. A compiled initial, first, second, third and fourth report on the domestic implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was presented before the UN CEDAW Committee in 2011 through the assistance of UNDP, Irish Aid and United Nations Population Fund. A periodic report is being compiled by the Gender Technical Committee under the coordination of the Ministry of Gender and Youth, Sports and Recreation.

12. The Optional Protocol to the Convention on Torture has not yet been ratified. However, the Government has permitted bodies such as the International Committee of the Red Cross and the Special Rapporteurs on Freedom of Expression and on Prisons and places of detention from the African Commission on Human and Peoples' Rights to visit and inspect correctional institutions and make recommendations.

13. Lesotho is still lagging behind in her reporting obligations as well as domesticating the treaties. Reporting is a specialized skill and most officers in the Ministries do not possess this skill. The Unit which has been mandated to oversee to the implementation of the treaties does not have adequate human resource and adequate training.

B. Promotion of human rights (Recommendations 96: 8, 10, 26. 97: 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 39, 41, 42, 43, 48, 51)

14. The Government established the National Human Rights Commission (the Commission) by passing the 6th amendment to the Constitution in 2011 with the support of UNDP and the Irish Aid. The Human Rights Commission Bill 2014 which seeks to operationalize the Commission has been awarded a certificate of approval by the Attorney-

General's chambers and is now ready to be presented to Cabinet by the end of the current year.

15. In an effort to popularize the Commission, the Government is working in collaboration with an NGO, Transformation Resource Centre (TRC). TRC has been funded by EU to advocate for the operationalization of the Commission and carry out consultative workshops throughout the community on the Bill. In respect of this collaboration, workshops for media, members of Parliament, youth, inmates and the correctional service staff have been held in 2012, 2013 and 2014 respectively; the aim of which was to sensitize the participants about the Commission so as to support its awaited operation.

16. Under the auspices of the EU cooperation with the Government, the Ministry of Law, Constitutional Affairs and Human Rights held a dialogue with the EU on governance issues in 2013. The aim of the dialogue was to identify priority areas at which assistance could be well targeted. Ensued from this dialogue, the following areas were identified: state party reporting and shadow reporting, domestication of international human rights instruments and establishment and operationalization of the Commission.

17. Measures to develop a National Human Rights Policy that will serve as a guiding tool for a coherent and coordinated fulfillment of human rights obligations in the country are underway. With the assistance of UNDP and the Irish Aid, a workshop was held in May 2014 that brought together relevant stakeholders to discuss the envisaged policy. A methodology workshop is intended to be held later this year whereupon a Committee that will oversee to the formation and implementation of the policy will be formed.

18. The Government transformed the Department of Social Welfare to that of Ministry of Social Development. The Ministry focuses on the protection of the rights of persons with disabilities, orphans, and other vulnerable groups through self sufficiency initiatives as opposed to social welfare approach which was residual and remedial hence resulting in dependency and stigma among beneficiaries. In order to uphold the rights of persons with disabilities, the Ministry is in the process of developing a National Disability Mainstreaming Strategy. The Ministry has also received financial support from the EU and UNICEF to draft the National Social Protection Strategy, which is focusing on vulnerabilities throughout the life cycle. Both strategies are awaiting submission to Cabinet.

19. In August 2012, the Unit held a workshop on the rights of persons with disabilities. The aim of the workshop was to sensitize stakeholders on disability rights issues to ensure an improved implementation of disability rights in the country. The Government recognizes that, in spite of its commitment to promoting the rights of persons with disabilities, work remains to ensure full realization. In 2010, the International Human Rights Day theme was "Speak up, Stop Discrimination." The theme was celebrated on two aspects, namely, Disability and HIV and AIDS. This was done in honour of two women who are acclaimed human rights defenders in the field of Disability and HIV and AIDS in the district of Leribe.

20. Each year the Unit commemorates the international human rights day theme. The Minister delivers a statement in the media and this is used as a platform to disseminate human rights issues.

21. Through the assistance of UNDP and the Irish Aid, workshops have also been held for teachers, members of the Parliament and judiciary on issues of human rights in 2010, 2011 and 2013. The Unit also raised awareness on human rights for law enforcement agencies (National Security Services (NSS), police, army personnel and officers of the correctional services) in 2010 to enable them to protect the rights of citizens and discharge their security functions that are entrusted on them by the law and Government policy more efficiently. Participants from all the groups were drawn from both rural and urban districts. The campaigns focused, amongst others, on code of ethics and prohibition of torture

especially in places of detention. The law enforcement agencies undergo continuous training on human rights including prohibition of torture and the use of force.

22. As a means of promoting voter awareness and participation, IEC recruited 28 temporary voter educators, trained them on the electoral process and deployed them countrywide to educate voters. IEC also engaged NGOs to provide electoral education to all the electorate throughout the country. The main aim was to enhance understanding on the process and encourage participation as well as promotion of credibility and acceptance of election results. IEC further trained political parties' representatives as trainers or educators to enable them to conduct voter, electoral or civic education in their respective parties. A tribunal was set up to oversee observance of the code of conduct in elections.

23. In 2011 the theme for commemorating Human Rights Day was "Celebrate Human Rights". As the country was preparing for the 2012 general elections, the theme was narrowed down to "Political Tolerance" and the day was celebrated by holding a high level seminar where the theme was unpacked and what it means in Lesotho's context.

24. In order to promote the right to public participation in the political sphere, the Government formulated the National Decentralization Policy of 2014. The purpose of the policy is to deepen and sustain grassroots-based democratic governance, reduce poverty, promote equitable local development and enhance citizen participation and strengthening the local government system by transferring functions, responsibilities and resources for service delivery to local authorities, while maintaining effective functional and mutually accountable linkages between central and local governments' entities.

25. The Government enacted the Public Meetings and Processions Act in 2010. Public meeting is defined as an assembly or gathering of persons pursuing a common purpose excluding those gathered for religious social, cultural professional or business purposes, while on the other hand, procession means a public meeting which moves from one place to another. Sections 4 to 8 of the Act serve as a safeguard against abuse in regulating the freedom of assembly. The Act provides that any person who wishes to hold a public meeting or procession shall give a written notice to the officer in command of police in the area where the meeting or procession is intended to be held. It is a requirement that such notice be made 7 days or 2 days in urgent applications prior to meetings or procession.

26. The Government enacted the Communications Act in 2012. The Act seeks to resolve disputes and complaints involving media and also provides for establishment of a Broadcasting Dispute Resolution Panel. The panel regulates issuance of licenses and prepares a broadcasting code of content for television and radio; reviews and seek to resolve disputes regarding broadcast content. Since establishment, the panel has not yet handled a dispute but has dealt with complaints regarding procedural matters where its directives or decisions have been largely complied with. The draft Media Policy is awaiting Cabinet's approval.

27. The African Commission on Human and Peoples' Rights mission visited Lesotho on a promotional mission in 2012. The mission was intended to promote the African Charter on Human and Peoples' Rights and assess Lesotho on her human rights situation generally. 35 recommendations were received and accepted and these covered rights of persons with disabilities, rights of women and children, conditions of prisons, freedom of expression and access to information, abolition of the death penalty and general comments on the promotion and protection of human rights which include amongst others, strengthening of the IEC and establishment of the Human Rights Commission. Implementation of the recommendations of the mission is ongoing.

C. Socio-economic development (Recommendations 96: 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25. 97: 26, 45, 49, 50)

28. Lesotho has put in place national initiatives to address poverty reduction and ensuring economic development of the country and these remain at the core of Government's agenda.

29. The National Strategic Development Plan (NSDP) [2012/13–2016/17] succeeds the Poverty Reduction Strategy Paper (PRSP) and the Interim National Development Framework (INDF). Like the PRSP and the INDF, it will also serve as an implementation strategy for the National Vision 2020 for the next five (5) years. NSDP is expected to reduce poverty and achieve sustainable development. The NSDP strategic goals are to pursue high, shared and employment creating economic growth, develop key infrastructure, enhance the skills base, technology adoption and foundation for innovation, improve health, combat HIV and AIDS and reduce vulnerability, reverse environmental degradation and adapt to climate change and promote peace, democratic governance and build effective institutions.

30. In order to assess whether the country will achieve Vision 2020 and the Millennium Development Goals (MDGs), a comprehensive country review was conducted in 2010 as part of the African Peer Review Mechanism which concluded that Lesotho has made progress in the following areas: governance; peace and political stability; gender equality; dealing with social vulnerability; expansion of new productive sectors such as manufacturing and mining and significant increase in trade/exports; dispensation of justice especially through alternative dispute resolution mechanisms; high literacy rates and human resource development and increasing coverage in health services. Key challenges that needed to be addressed included public service delivery and accountability, conflict resolution, environmental degradation, HIV and AIDS, technological progress and achieving high, sustained and shared economic growth that results in poverty reduction and these have been enunciated in the NSDP.

31. According to Lesotho 2013 Millennium Development Goals Status Report, Lesotho is on track on achieving the goals on universal primary education and promoting gender equality and empowering women while the rest of the goals are out of reach for 2015. Lesotho participated with other African countries in the drafting of the position paper on Post 2015 Development Agenda. The areas of particular focus are food security, education, health, democracy and effective institutions. Enhancing innovative technological transfer and structural economic transformation, strategic partnerships and inclusive growth are also strategies that will be used to enhance the Agenda.

32. In an effort to contribute to poverty alleviation, a draft National Policy on Social Development which implements the NSDP is awaiting Cabinet's approval. It addresses rights of vulnerable groups (children, elderly, and disabled) with an economic development perspective as opposed to a social welfare approach which does not address dependency on government for beneficiaries. Once adopted, the policy will provide a framework for responding to diverse human needs with a particular focus on preventing vulnerability deprivation, reducing poverty, building capacity of the poor to become self supporting and to remove obstacles to social inclusion. The draft strategic plan to implement the policy is near completion.

33. Vulnerable groups are relatively hit hard by poverty and it is against this background that Government in fulfilling its social responsibility increased the old age pension fund from 43 to 47 USD per person in 2014/15 financial year. In the same token, children's grant has been revised and is now based on the number of children per household in the following way as opposed to a flat 34 USD per household: one to two children receive

34USD per quarter, 57 USD per quarter where there are three to four children and 71 USD per quarter for five or more children. These enable households to meet their basic needs.

34. The Ministry of Social Development provides bursaries through the Orphaned and Vulnerable Children Bursary Programme. The Programme cover registration fee, tuition, books, stationery, boarding and examination fees where applicable, to secondary school orphaned and vulnerable children, whose schools are registered with the Ministry of Education. All children have to be below the age of 18 years at entry point. The programme received support from the Global Fund which is to end in the current financial year. The donor fund covered toiletries and school uniforms for the children as these are not covered under the programme. The number of children supported under the scheme since 2010 most of whom are at secondary level varies in the following way: 2010 – 27 115; 2011 – 20 300; 2012 – 19 764; 2013 – 11 458; 2014 – 11 134. It is expected that the number of children covered will increase again after the implementation of the rationalization fee for schools as some of the schools were expensive and coverage decreased. There are also 6 schools for children with special needs which the programme supports with boarding and feeding fees and there is no age restriction at entry point.

35. The National HIV and AIDS Policy propose a multi-sectoral approach to tackling the HIV and AIDS problem. It lists food insecurity, structural poverty and inequalities as some of the factors that lead people to be vulnerable to HIV and AIDS. In this regard, people especially in the remote rural areas, were assisted with fertilizers to improve crop production in their gardens. Support groups have been created and they monitor these programmes and ensure their continuity in the villages.

36. Awareness raising campaigns on methods to combat and address HIV such as male circumcision and Prevention of Mother to Child Transmission (PMTCT) are being undertaken by Government in collaboration with civil society organization. Introduction of PMTCT Guidelines and the Mother – Baby Pack have had a significant impact in addressing HIV and AIDS.

37. Under the Millennium Challenge Account, the Government has benefitted in renovations of health centers as well as establishment of new health centers. The Ministry of Health has improved the remuneration for nurses based in health centers in the remote rural areas as a means of retaining them to ensure accessibility.

38. The Ministry of Labour signed a Memorandum of Understanding (MOU) on Labour Cooperation with The Republic of South Africa in November 2013. The purpose of the Memorandum, amongst others, is to regulate and address issues relating to semi-skilled migrant workers from Lesotho to South Africa. It also covers issues of dispute resolution, social dialogue, compensation for occupational diseases and possible areas of cooperation between the 2 countries. The MOU looks intently at the subject of compensation of Basotho nationals who sustain injuries at the work place.

39. The Government has improved water supply and sanitation in the urban and rural areas. Construction of the Metolong Dam and associated infrastructure to supply potable water for domestic and industrial use to Maseru and the neighbouring towns of Roma, Mazenod, Morija and Teyateyaneng began in 2008. The Works are nearing completion with Advance Infrastructure Phases 1 and II 100% complete, Dam and Raw Water Pumping Station 75% complete, Water Treatment Works 95% complete and Downstream Conveyance Systems 90% completed. In addition, under Water and Sanitation (WATSAN) Phase 1, which was completed in 2009, 7 villages in the catchment area were supplied with water and sanitation facilities. Under WATSAN Phase 2 which is currently out on tender, new water supply systems or upgrading of existing systems will be provided in 79 villages and 13 schools while new or rehabilitated sanitation facilities will be provided to 91

villages and 18 schools in the catchment area. Implementation of WATSAN Phase 2 is expected to commence towards the middle of 2016.

40. In 2011, Lesotho and the Republic of South Africa signed a bilateral agreement on Phase II of the Lesotho Highlands Water Project in Mokhotlong which entails construction of Polihali Dam. An official launch of the dam was undertaken in March 2014. The dam's benefit to the community will be creation of employment opportunities, establishment of health centres, construction of road infrastructure, connection of electricity, amongst others.

41. As communities grow, especially in the urban areas, the Government continues to face the challenge of increasing access to both water and sanitation. The Government continues to make provision of basic utilities in the rural areas a priority and also address inequalities between urban and rural areas.

42. In 2011, the Ministry of Education and Training, through the financial support of UNICEF, embarked on developing a policy and strategic plan for Integrated Early Childhood Care and Development (IECCD) in Lesotho. The IECCD policy and strategic plan were approved by Cabinet in November 2013. The policy places high priority on the development, education, health, nutrition, hygiene and protection of young children, from preconception to five years of age. The current status is that 6168 children have been enrolled in 247 reception classes, 584 children in 57 home-bases and 61 013 children in 2150 centre bases.

43. In order to improve the educational system and improve literacy rates, there has been provision of free teaching and learning materials, provision of new and qualified teachers and construction of new schools in remote rural areas. Additional classrooms in existing schools have also been built to ensure that schools are accessible. Other interventions include integration of children with specific educational needs into primary schools and since 2011, disability friendly schools have been constructed.

44. The Inspectorate of the Ministry of Education and Training rolled out a campaign to disseminate the Education Act 2010. The campaign is aimed at capacitating school teachers on the provisions of the Act, which have informed and influenced the new curriculum for schools. The new integrated curriculum is more relevant to the needs of the country as it is aimed at ensuring that children not only acquire knowledge and competencies, but also are able to apply them in their environment. It builds stronger literacy and numeracy skills and includes integrated continuous assessment of learners throughout the year.

45. The prevalence of HIV and AIDS is still on the increase. The Demographic Health Survey (DHS) that is undertaken every 3 years shows that there is a slow pace in the increase of HIV new infections. The fact that sexual behavior is rooted in powerfully held traditional attitudes and beliefs which are difficult to change remains a challenge. There are ongoing campaigns aimed at educating the public on HIV and AIDS. The revised 3 years HIV and AIDS strategic plan 2014 is in place and is being implemented.

46. Studies have allowed Government and Partners to identify the primary drivers of new infections and scale up more effective preventive strategies. The present challenge is scaling up and implementing evidence informed targeted prevention strategies focusing on multiple partnerships, correct and consistent condom use, youth sex education, circumcision, gender discrimination, key populations and migrant labourers.

47. Lesotho is still faced with challenges such as poverty and food insecurity due to the deterioration of agricultural production and high level of unemployment. To address these challenges, the Ministry of Agriculture and Food Security has been allocated a budget of over USD 9 756 097 with the major intervention of providing subsidized agricultural inputs (seed, fertilizers, herbicides, insecticides, lime) and mechanical operations from ploughing to harvesting at 50% cost. The European Community Humanitarian Directorate is funding

the Food and Agricultural Organisation (FAO) under the Emergency and Resilience Programme, a three-year cycle programme to assist 18 500 households with agricultural inputs and know-how on agricultural technologies so as to assist communities to adapt to climate change and building their resilience to better withstand future shocks. The programme also promotes Conservation Agriculture and improved Home Gardening and Nutrition in all 10 districts of the country.

D. Women's rights (Recommendations 96: 8, 14, 15, 30, 32, 33. 97: 15, 30, 31, 32, 33, 35, 36, 37)

48. Women often become victims of human trafficking due to their vulnerable nature. In 2011, Parliament enacted the Anti - Trafficking in Persons Act which aims at prohibiting and punishing all forms of trafficking and requires adoption of protection measures. The Act further provides for establishment of care centers throughout the country. It requires such centers to offer accommodation, healthcare, counseling, and rehabilitation services as well as temporary basic material support for the care of child victims and reintegration of adult victims into their families. It protects victims of trafficking from prosecution for unlawful acts committed as a direct result of being trafficked. It provides foreign victims with permanent residency as a legal alternative to their removal in that where victims entered the country illegally but involuntarily, such victims will assist in the process of prosecution by become witnesses.

49. The draft Anti-Trafficking Regulations are in place and they provide for repatriation of victims. The Regulations seek to regulate issues of repatriation, resettlement and residency. They provide that, upon completion of the case or after the witness has testified, the Government, through the Ministry of Foreign Affairs shall facilitate the process of repatriation with the home country of the victim.

50. In an effort to implement the Act, the Ministry of Home Affairs spear heads a multi sectoral team for anti-trafficking at the national level which meets on a monthly basis. The main duties of the Multi Sectoral team is to guide and spearhead the migration management agenda in Lesotho, which include trafficking in persons and smuggling. This body has developed the National Anti-Trafficking in Persons Frame work and Action Plan 2014-2016. Pertaining to prosecution of cases, investigations on 8 cases have been completed; 5 of which the accused have appeared before the courts on remand; trials are continuing on 2 cases and 1 case is complete and a conviction was secured at the trial court though on appeal it was overturned.

51. The Government has partnered with Civil Society Organizations to run care centers so as to provide victims with assistance. In March 2011, the Ministry of Social Development trained 21 officials on the definition of trafficking and basic victim identification. Other interventions include partnerships with Civil Society Organizations and community networks to address human trafficking through community intensive awareness raising campaigns. The Ministry of Gender implements awareness programmes on trafficking in persons in partnership with the Ministry of Police. The Ministry of Gender also holds joint awareness operations with the South African Police Service along border towns and villages. They also hold campaigns at the bus stops and shopping malls to target large crowds. The EU is also funding Women and Law in Southern Africa Lesotho (WLSA) to facilitate the implementation of the Act, by raising awareness, increasing the level of information on issues of gender-based violence and trafficking.

52. The Ministry of Gender has held awareness raising campaigns across the 10 districts of Lesotho in order to popularize the Legal Capacity of Married Person's Act of 2006. After the Local Government Elections in 2011, the Ministry of Gender has been holding a

series of ongoing public gatherings at Community Councils. As a result of the gatherings, people at the grass roots level are gradually appreciating the developments that have been brought by the Act.

53. Civil Society Organizations such as WLSA and Federation of Women Lawyers translated and simplified the Act into the local vernacular and easier dissemination the Act to the citizens. WLSA has held series of advocacy programmes country wide with relevant stakeholders such as banks, with the aim of creating awareness on the provisions of the Act that safeguard the economic status of women, such that women can apply for loans and enter into contracts without the consent of their husbands.

54. In 2011, Lesotho adopted a National Action Plan to end Gender Based Violence Against Women. The National Action plan seeks to reduce, eradicate and prevent cases of gender based violence. It also encourages legislation and awareness raising campaigns in a form of training workshops, public gatherings and encourages involvement of law enforcement agencies and the judiciary to speedily entertain the cases of gender based violence. New drafting instructions pertaining to the Domestic Violence Bill have been issued. The drafting instructions define domestic violence and provide a comprehensive protection for violence that occurs within the domestic sphere.

55. Gender based violence is being addressed by holding capacity building training sessions for Child and Gender Protection Unit (CGPU) officers, judiciary, prosecutors, chiefs, traditional and religious leaders on gender issues, human rights and how to manage gender based violence cases.

56. The Ministry of Gender educates the public on gender based violence throughout the year. The peak of the campaigns is during the 16 Days of Activism Against Gender Based Violence. To enhance this campaign, the officers of the Department of Gender, embark on various activities which include amongst others, campaigns in buses to remote rural areas. CGPU and Civil Society Organizations such as WLSA use television and radio programmes as a tool to educate the public on violence against women, promotion of gender equality and women's empowerment.

57. The Department of Gender runs a support programme for survivors of domestic violence, while the CGPU continues to provide restorative justice programmes for survivors and information on gender based violence. Through awareness raising campaigns and public gatherings, the Ministry encourages the public to report cases of gender based violence even if they are not directly affected by it to the community chiefs, who will in turn assist in reporting the cases to the police.

58. According to Lesotho Mounted Police Service Annual Crime Report, sexual offences reported from 2009 to 2014 range from 1500 to 1650 per year. Out of the reported cases about one-third of the total are taken to court thus there is a low conviction rate, the reason being that the Department of Gender plays a mediation role between the parties, whilst in other cases, the victims lose interest in the case and decide not to pursue it any longer.

59. The Penal Code which was enacted in 2010 regulates all assault cases inclusive of domestic violence. This law does not however provide comprehensive protection for violence that occurs within the domestic sphere as it provides protection from the general perspective. The limitations that appear in the Penal Code will be cured by the enactment of the law on domestic violence.

60. To address issues of non-discrimination and women's empowerment, married women in Lesotho can now access and control land as a productive resource through enactment of Land Act in 2010. The Act aims at ensuring that land allocation is made on the basis of merit and need. Furthermore, the Act ensures that application is based on

specificity and gives women land by specifically making provision for joint title deed for couples married in community of property. This is one of positive measures which Lesotho has taken in ensuring that issues of gender equality are advanced and that women are afforded same rights as those of men.

61. The National Identity Cards Act 2011 gives women the right to apply for an identity card without their husband's authorization. Sections 13 and 14 stipulate that any citizen of Lesotho, who has attained the age of 16, is eligible to obtain an identity card upon presentation of a birth certificate, a certificate of naturalization or an indefinite residence permit.

62. Lesotho attained 58% women representation in the 2005 Local Government elections through the quota system that was put in place to reserve 1/3 of the total number of community councils for women candidates only. Due to the challenges which ensued from this model that it discriminated against men, Lesotho introduced near-parity model through the Local Government Elections (Amendment) Act 2011 which provides for special seats for women in the local government elections. This resulted in women's attainment of 49% representation in community councils. This model was necessary in order to put the rights of women in politics at par with those of men. There was also an intensive advocacy on equal representation and participation of women and men in politics and decision making by Government and Non-Governmental Organizations.

63. Lesotho has made significant progress in terms of gender equality and it ranks better on the Gender Equality Index than on the Human Development Index. Females participate in education more than males. A notable recent achievement is the National Assembly Elections Act 2011 which requires proportional representation lists of political parties to have the names of women and men alternating. With the introduction of quotas, there has been an increasing number and proportion of females in Parliament and Cabinet as well as in local councils as experienced in the local government and national elections.

64. Since 2012, gender representation and decision making leadership positions are as follows: 33 women as opposed to 87 men in the National Assembly; 5 women out of a total of 23 in Cabinet, 4 women among 7 Deputy Ministers; 9 women out of a total of 25 members in the Senate; 7 women out of 25 Principal Secretaries; 6 women out of 12 Judges and there is a female Chief Justice; 5 women among 14 Ambassadors; 1 woman out of 3 members of the Independent Electoral Commission; the Chairperson of the Police Complaints Authority is a female as well as the Ombudsman. These statistics reflect a slight improvement since 2010.

65. The Government has put in place reproductive health programmes focusing on safe motherhood, family planning services, prevention of mother to child transmission of HIV and AIDS and adolescent health. Key policies adopted in this regard include amongst others, the National Health Policy 2011 whose objective is to reduce morbidity and human suffering amongst the Basotho, reduce inequality in access to health care services and to strengthen the pillars of the health system. Other policies include the National HIV and AIDS Policy and Revised Strategic National Plan 2012/2013-2015/2016 and the National Action Plan on Women, Girls and HIV and AIDS 2012-2017. They aim at strengthening health care services, improving child survival and nutrition services, strengthening HIV and AIDS prevention, care and treatment, improving tuberculosis treatment success rate and also to improve prevention of non-communicable diseases.

66. The Safe Motherhood Programme focuses on the wellbeing of the mother. It aims at reducing the number of deaths and illnesses associated with pregnancy and childbirth. Through the programme, women of reproductive age, that is, 15 to 49 years are taught and encouraged to take good care of their bodies by attending regular medical examination to identify curable illnesses such as breast and cervical cancer at an early stage. They are also

educated on activities that increase the risks of illness to their bodies as well as those that can extend the individual's life expectancy. Mothers are generally encouraged to breastfeed in the first six months of motherhood.

67. Adolescent Health Programme aims at educating young girls about reproductive health issues so they avoid fatalities like falling pregnant at a young age and contracting illnesses. The programme includes counseling services on sexual and reproductive matters. Through school health education and lifesaving skills programme, pupils are taught how to maintain healthy bodies. The National Adolescent Health Draft Policy aims to reduce maternal mortality among adolescents by increasing knowledge of reproductive biology, contraception, safe sex, and prevention of Sexually Transmitted Diseases and HIV and AIDS and reduction of unwanted pregnancies. It also advocates for revised laws and policies for optimal use of adolescent health services.

68. According to a 2010 study by UNFPA on Rapid Assessment on Sexual and Gender Based Violence and Food Insecurity in Lesotho, violence against women and girls in Lesotho is on the increase with sexual violence dominating. This limits women's voice to negotiate safe sex hence the high prevalence of HIV amongst women.

E. Children's rights (Recommendations 96: 17, 20, 21, 29, and 34, 35. 97: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 25, 29, 34, 40, 44)

69. In 2011, the Government enacted the CPWA which reformed, consolidated and brought various pieces of legislation in line with international standards on the rights of children. It repealed and overhauled the outdated Children's Protection Act of 1980. The old Act did not sufficiently address the issue of adoption procedure; such that Basotho were not given the right to adopt. Furthermore, the Act did not address issues of children's inheritance. The current law on the other hand properly addresses children's rights. It deals with children in need of care and protection, trafficking and abduction of children, fosterage and adoption, administration of property of children by the office of the Master of the High Court.

70. The Government undertook the costing of the provisions of the CPWA. The Costing Report is a strategic document which will guide the budgeting and implementation of the CPWA and will be integrated into the Medium Term Expenditure and the Annual Budget Process. The Costing Report provides an estimate cost on the GOL on implementing services envisaged in the provisions of the CPWA in a phased manner over a period of 2015/16 to 2017/18.

71. In an effort to implement the CPWA, the Act has been simplified and translated into the local vernacular for easier dissemination and accessibility. Brochures bearing simplified provisions of the Act have been produced and disseminated to various districts. The Ministries of Justice and the Correctional Service and of Social Development with the financial and technical support of Global Fund To Fight AIDS, Tuberculosis and Malaria (GFATM) and UNICEF conducted a series of training sessions which trained 100 officers which comprised Magistrates, Prosecutors, Correctional Service officers and officers from the Office of the Master off the High Court in all the ten administrative districts. The purpose of the training was to equip officers with skills which will enable them to effectively implement the Act. The Ministry of Justice is currently drafting the CPWA regulatory framework and Court Rules which contain administrative details and specifies procedural formalities.

72. With the support of UNICEF, the Children's Court infrastructure was erected in Maseru in September 2011, as part of Government's initiative to provide a child friendly environment when dealing with children who come in contact with the law. UNICEF also

facilitated training of Court Intermediaries in the Children's Court. In place of the formal criminal justice system it advocates for adoption of interrelated mechanisms which lay emphasis on diversion programs and restorative justice processes.

73. In 2012, following the establishment of the Ministry of Social Development, three distinct departments were created, namely, the department of children's services, department of disabilities and the department of the elderly. The Director of Children's Services is tasked with the care, protection and development of children.

74. At community level, the Government and NGOs create awareness on issues pertaining to the rights and protection of children using commemoration of days such as World Aids Day, International Disability Day, 16 Days of Activism on Violence Against Women and Children, Day of the African Child as well as slots on television shows and radio programs.

75. The Ministry of Social Development works with the Office of the Master of the High Court to deal with issues of inheritance of orphaned children guided by The Administration of Estates Proclamation of 1935. This law however is outdated and does not align to modern times needs. The Ministry of Social Development offers psychosocial services to the children and the Office of the Master of the High Court ensures that the resources left by the child's parents are directed to the needs of the child.

76. The Office continuously holds public gatherings at community levels to disseminate information about the responsibilities of the office at grassroots levels. It office also uses radio slots to educate the public about its functions as provided for under section 40 of CPWA.

77. The Ministry of Social Development has adopted a National Strategic Plan on Vulnerable Children (NSPVC) 2012-2017 which replaced the National Strategic Plan on Vulnerable Children of 2006-2010. The aim of the Strategic plan is to improve the quality of life of vulnerable children and ensure that they enjoy their basic human rights. The Plan offers five priority areas: raising awareness and commitment to vulnerable children's rights and needs through advocacy and social mobilization; strengthening the capacity of families and communities to protect, care for, and support vulnerable children; strengthening social, legal and judicial protection of vulnerable children and their families; scaling up availability and access to services by vulnerable children and their families and systems strengthening. The Plan is multi-Sectoral and its implementation is decentralized.

78. Children, like women, are prime victims of human trafficking. The Anti-Trafficking in Person's Act provides that in the event that a child is trafficked by a parent or person with parental responsibilities, the court may suspend all parental responsibilities on that child. The court may further place the child in temporary safe care or place of safety, pending an inquiry by a Children's Court. The Act provides that in trafficking of a child, the offender shall be liable to a fine of USD 187,926.66 or life imprisonment. The CPWA has a dedicated chapter on trafficking of children. As a preventive measure to this crime, there have been education and communication awareness materials for the public.

79. The CPWA defines a child as any person below the age of 18 years. It has increased the age of criminal responsibility and prosecution from 7 to 10 years. A child between 10 years and 14 years may be prosecuted for a criminal offence only after an inquiry has been conducted and established that the child appreciates the difference between right and wrong and is able to act in accordance with that appreciation.

80. CPWA exclusively prohibits exploitative child labour, and defines labour to be exploitative if it deprives or hinders a child access to health, education or development. It prohibits engagement of children in hazardous employment and industrial undertakings and creates offences which attract penalties. The CPWA sets the minimum age for admission of

children to employment at 15 years. It also provides that children of 13 years and above may be engaged in light work. Light work is considered to be activities that do not interfere with a child's development and does not affect the child's attendance at school. The CPWA aligns with the requirement of the Education Act, 2010 that children be enrolled in primary schools also safeguards children from being involved in any form of labour that interferes with their entitlement to education.

81. Despite the above commitments, poverty and destitution continue to force young children into remunerative work as herders or domestic workers.

82. The Education Act prohibits teachers or any adult from subjecting children to cruel or unusual punishment, including physical abuse. Section 16 of the CPWA provides that children have the right to be protected against torture and degrading treatment. Acceptable measures for school discipline in line with the human rights of children have been set out in the new School Supervision and Management Regulations. These guide schools on how to implement the provisions of the Education Act and the CPWA with respect to the rights and entitlements of children.

83. The Education Act 2010 which provides for free and compulsory education and further makes provision for equal access to education for all children makes it a punishable offence for a parent to withhold a child from attending school. The Act also prohibits inhuman and degrading treatment, including corporal punishment on children.

84. To promote the right to health for children, Baylor College of Medicine Children's Foundation-Lesotho offers care and treatment to children or families with HIV and AIDS. This program includes pre and post HIV test counseling for children. Children who are HIV positive children are enrolled in the program while HIV negative children are treated for their current sickness and released. Enrolled children receive a care package, including the ARV program, visits by the nutritionist, and counseling, as needed.

85. Notwithstanding continuous dissemination on children's rights, property grabbing remains a challenge and it is an offence punishable by law. Section 39 (1) and (2) of CPWA states that either the surviving parent or a relative who wishes to sell, alienate or dispose of the child's property, may do so by seeking permission from the Master of the High Court first. Failure to do so will result in conviction and a fine not exceeding USD 500 or to imprisonment not exceeding 10 months.

F. Justice system (Recommendations 97: 4, 27, 38, 39)

86. The Government through technical assistance from the Commonwealth Secretariat strengthened the operations of the Directorate on Corruption and Economic Offences (DCEO). Through that support, the National Anti-Corruption Strategy is being reviewed and the Prevention of Corruption Bill 2013 is in place. The Bill seeks to strengthen legislative and institutional framework of DCEO to the effect that DCEO is elevated to the level of a Commission. It also focuses on the mandate of DCEO on corruption without burdening it with economic offences that could be effectively addressed by other institutions such as the Police. The Bill is awaiting its presentation to Cabinet for approval. Furthermore, a newly established Financial Intelligence Unit focuses on suspicious transactions on money laundering or financing of terrorism.

87. The National Anti-Corruption Strategy and Action Plan (NACSAP) 2014/15-2018/19 is a multi-sectoral initiative involving the public sector, the private sector and the civil society through which each sector has a clearly defined role to play in fighting corruption over the next 5 years culminating in a collective and national effort. NACSAP was necessitated by the National Dialogue against Corruption that was held in July, 2013, where about 250 participants drawn from various sectors committed to fighting corruption.

The NACSAP document is to be finalized and formally launched for implementation by the stakeholders, before the end of this year. In the meantime, however, there are some structures that are already in place, namely, the District Anti-Corruption Committees, Business Action Against Corruption, Systems Integrity Committees, and Students Integrity Associations, all of which are going to feed into the NACSAP initiative as the overall programme of the country.

88. Currently the Police Act of 1998 is being amended to strengthen Police Complaints Authority (PCA) to the effect that the PCA will undertake investigations without seeking the approval of the Commissioner of Police or the Minister as is the prevailing situation. One of the mechanisms used by the Authority to popularize the office is to hold awareness raising campaigns throughout the country and to date 3 out of 10 districts have been covered during this financial year. The campaigns have served as a tool for the public to report on offences that have been perpetrated against them by members of the Police Service.

89. Lesotho passed the Administration of the Judiciary Act 2011, which conferred both administrative and financial autonomy on the judiciary and strengthened the Judicial Service. This legislation gives practical effect to section 118(3) of the Constitution. The Judiciary is now a separate and independent organ of state. The Act gives efficacy to the Judiciary. It endorses the principles of separation of powers and the rule of law. It recognizes that the judiciary is the champion of rights and a constitutional mediation apparatus in the struggle involved in civil liberties and fair-play. The administration of the judiciary is headed by the Registrar of the High Court holding a position analogous to that of a Principal Secretary.

90. As a way of reducing backlog of cases and speeding up the administration of justice, the European Union has conducted and carried out trainings and workshops for the judiciary on court annexed mediation as an alternative dispute resolution mechanism.

91. The population capacity in all correctional institutions is 2,433 as of August 2014. The Government has made good strides in improving the correctional institutions in pursuit to combating overcrowding. So far, 4 correctional institutions out of 8 have been renovated and the bucket toilet system is being replaced by use of flush toilet systems to allot proper living conditions to inmates. The renovations have been effected in Maseru Central, Leribe, Thaba-Tseka and Mafeteng correctional institutions. There is an open camp facility in Mafeteng, which is 80% complete with renovations. The Open Camp is meant for inmates whose sentences are shorter or those who are about to complete their sentences. Inmates in this Camp are capacitated on agricultural projects. Plans are underway to build a new correctional institution in Mafeteng district in the next financial years 2015/2016–2017/18. In 2012, 2013 and 2014, the Ombudsman carried out inspections throughout the country at correctional institutions, government hospitals, police detention facilities and military police holding cells to ascertain whether the conditions for inmates, patients and detainees adhere to international standards. Findings on the reports are currently being compiled.

92. Despite the use of diversionary measures, overcrowding still remains a challenge in places of detention and as a result in correctional institutions, diseases such as tuberculosis are not easily controlled.

93. Corruption still remains one of the prevalent factors in hindering development as good governance principles such as transparency and accountability get seriously compromised. The European Union is currently funding a "Strengthening the Lesotho Justice Sector" project, with the objective of strengthening the Rule of Law in Lesotho. More specifically, the programme seeks to enhance a professional, accessible and impartial Lesotho Justice Sector, which will ensure fair, timely and efficient delivery of justice and an effective fight against corruption. Other partners that have assisted the Government to

fight corruption include, amongst others, the Commonwealth, UNDP, Embassy of the United States of America, and African Development Bank.

IV. Achievements and best practices, challenges and constraints

A. Achievements and best practices

94. Lesotho has one of the highest literacy rates in Sub-Saharan Africa. Literacy rates are at 83.3% for men and 95.6% for women as of 2010 estimates.

95. Government considers that gender equality is the core of development. In this regard, the first female Ombudsman was appointed in November 2010 while the first female Chief Justice was appointed in September 2014.

96. Through the enactment of the Administration of the Judiciary Act 2011, Lesotho recognized that separation of powers and independence of the judiciary form pillars of constitutional and democratic rule and these are critical for good governance.

B. Challenges and constraints

97. Lesotho has been vulnerable to the effects of the global financial crisis thus affecting her economy. Slow global and regional economic growth and worsening unemployment rates affected Lesotho's exports.

98. Basotho mineworkers in South Africa were laid off with dire financial and social consequences for a number of households, especially in the rural areas where vulnerability is more prevalent. To address this challenge, efforts have been undertaken for job creation and elimination of poverty such as a Jobs Summit which was held in August 2014. The Summit served as a platform for Government and its development partners to adopt a working programme that will entail, amongst others, an investment package that will facilitate the development of commercial agriculture, tourism, transformation of manufacturing, focusing on the textiles sector and creative industries and technology driven initiatives.

99. Agricultural production has remained on the decline in recent times. Despite efforts made to assist farmers through subsidies on agricultural inputs, productivity has not responded positively. Adverse weather conditions and climate change, management of the agriculture and the application of modern agricultural methods has not been satisfactory, thus, subsidies have made little impact on overall production. Further, in 2012, a state of emergency on food insecurity was declared by the Prime Minister calling for assistance from the international community.

100. Lesotho still faces a high prevalence rate of HIV and AIDS. It has left most children as orphans and they have increasingly become caregivers to sick parents, younger siblings and other relatives. There has also been an increase in child mortality as well as maternal health. Although the Government has escalated its efforts in the fight against HIV and AIDS such as programmes on prevention, care and treatment, free access to primary care, free voluntary counseling and testing, awareness and education campaigns, provision of Anti Retro-Viral free of charge, mainstreaming HIV and AIDS into all policies and programmes, accelerated efforts are still needed. A further challenge in this regard relates to the closure of the National AIDS Commission, that was coordinating HIV and AIDS issues. Presently coordination of HIV and AIDS issues is done under the Ministry of Health which addresses health issues in general.

101. Provision of health services remains a challenge, especially with the advent of HIV and AIDS and related illnesses. The Government has, with the assistance of development partners, been able to put up considerable infrastructure in the form of clinics and health centers across the country. The challenge, however, remains that of providing adequate technical staff, particularly in the remote areas. To address this, the Government is reviewing the incentives in the sector including introducing a performance based pay. During 2013/14, the Ministry of Health launched a retention programme for nurses and midwives working in remote areas of the country. The programme is proving successful and is being closely monitored.

V. Key national priorities, initiatives and commitments

102. The Government will continue to promote inclusive economic growth with the capacity to generate productive employment and reduce poverty.

103. Developing infrastructure so as to make economic opportunities accessible to all segments of the population and to provide the basis for rapid industrialization and job creation.

104. Identifying sectors with the high potential for contributing to growth levels of between 5 and 97 percent per annum, including creation of 10 000 jobs per year on average thus broadening the skills base to take into account the needs of the labour market. A strategy aligned to the National Strategic Development Plan (NSDP) will be developed that would consist of an investment plan, monitoring framework, inclusive and create jobs so as to foster economic growth.

105. The Government will continue to provide and ensure improved and easily accessible service delivery at district and grassroots level to its citizens.

106. Enhancing food security by improving agricultural productivity and introducing high value cash crops, better farm management practices, irrigation and water harvesting.

107. Although Lesotho has not been able to meet most of the MDGs, she will redouble her efforts to achieve the goals and in the post 2015 period, she will mobilize more development partners and exert decisive leadership to attain National Vision 2020 as the MDGs bear a close relationship to the 7 pillars of the Vision 2020.

108. Lesotho will continue to declare zero tolerance to corruption and take concrete steps to eliminate it such as further strengthening the DCEO and the Financial Intelligence Unit which will assist law enforcement agencies in the investigation of money laundering, corruption and fraud.

109. Although the establishment and operationalization of the Human Rights Commission has been a lengthy process, the Government remains committed to its operationalization as it will complement the primary role of Government as a responsible agency for the promotion, protection and monitoring of human rights. Lesotho will continue to work with external stakeholders and development partners to operationalize the Commission.

110. Child and maternal mortality are the key indicators for the country's level of development as they reveal the state of quality of health of health services and health programmes. Lesotho will reduce child and maternal mortality by at least 25 percent by 2017.

111. HIV and AIDS poses a threat to Lesotho's development thus Lesotho will reduce incidence of HIV by at least 15 percent and increase coverage for anti-retroviral treatment (ART) to at least 80 percent of the population by 2017.

112. A strong environmental management is a necessity to curb incidences of poverty and act as a long term strategy to development. Lesotho will continue to reduce environmental degradation.

113. Economic development thrives more effectively where good governance and the rule of law are maintained therefore promoting democracy, peace and stability by fighting crime and enhancing the role of Parliament, accountability and transparency will remain the Government's priority.

VI. Technical assistance and capacity building

114. Lesotho requests technical assistance and capacity building in the following areas:

- Training and preparation on state party reports.
- Setting up of a National Human Rights Commission.
- Strengthening of other oversight bodies such as Ombudsman, DCEO, Police Complaint Authority and Financial Intelligence Unit.
- Developing and implementing a Human Rights Policy.
- Mounting of public awareness campaigns and developing advocacy materials.
- Setting up of a library consisting of documentation and publications on human rights.

115. The list is not exhaustive and assistance can also be accorded to other areas in the socio-economic field so as to assist the country in some of its priority areas which include reducing poverty and addressing the pandemic of HIV/AIDS.
