

## Universal Periodic Review

(21<sup>st</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

## Lesotho

### I. BACKGROUND AND FRAMEWORK

#### A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> dd/mm/yyyy	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 25/11/2003			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 29/07/2008			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 18/02/2010			Right to take part in cultural life

## II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

### Right to education

#### Constitutional Framework:

2. The **Constitution of Lesotho of 1993 amended in 2004**<sup>1</sup> provides in **Article 28** that: “Lesotho shall endeavour to make education available to all and shall adopt policies aimed at securing that— (a) education is directed to the full development of the human personality and sense of dignity and strengthening the respect for human rights and fundamental freedoms; (b) primary education is compulsory and available to all; (c) secondary education, including technical and vocational education, is made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education; (d) higher education is made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by the progressive introduction of free education; and (e) fundamental education is encouraged or intensified as far as possible for those persons who have not received or completed their primary education.”

3. **Article 4** provides that “(1) [...] every person in Lesotho is entitled, whatever his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status to fundamental human rights and freedoms, that is to say, to each and all of the following (n) freedom from discrimination (o) the right to equality before the law and the equal protection of the law”.

#### Legislative Framework:

4. The basic legislative framework for education in Lesotho is made up of:

- a) The *Education Act* of 2010<sup>2</sup> sets out the legal framework and “provides for free and compulsory education for all learners from ages of six in public schools”<sup>3</sup>.
- b) The *Technical and Vocational training Act* of 1984.
- c) The *Higher Education Act* of 2004 effectiveness of these institutions with greater academic freedom and a degree of self-determination in human and financial resource management.”<sup>4</sup>

#### Policy Framework:

##### - General information:

5. **The Lesotho National Vision 2020**<sup>5</sup>: The policy is set in a manner that acknowledges the important role of the educational sector in achieving its primary goals. The Vision Statement

<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/5f117d45be0d3d8ed8e573ee1db7db551ad68565.pdf>

<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/14370d6d78635238fa0d464a71a9b9764876d21e.pdf>

<sup>3</sup> Lesotho National Report submitted within the framework of the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), p. 1

<sup>4</sup> World Data on Education. IBE, Seventh edition, 2010/11, pp. 3-4, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Lesotho.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Lesotho.pdf) (Accessed 14 November 2013)

<sup>5</sup> <http://www.unesco.org/education/edurights/media/docs/4172948a478a7e5eba606a5327513733c5ca99a8.pdf>

clearly stipulates that: “By the year 2020 Lesotho shall be a stable democracy, a united and prosperous nation at peace with itself and its neighbours. It shall have a healthy and well-developed human resource base. Its economy will be strong; its environment well managed and its technology well established”.<sup>6</sup>

6. **The Education Sector Strategic Plan (ESSP) 2005-2015**<sup>7</sup>: The Education Sector Strategic Plan (ESSP), which was developed in 2006, was anchored on national, international and regional initiatives such as the EFA, MDGs, the AU Plan of Action for the Second Phase of Education for Africa and SADC Protocol on Education. [...]

- **Financing of Education**

7. Some plans aim to increase education spending as a share of GDP but to maintain or cut the share of education in the national budget. The countries concerned are Lesotho, Rwanda and the United Republic of Tanzania. [...] Lesotho plans to raise the ratio of education spending to GDP while maintaining the budget share. [...] All these plans are highly susceptible to economic pressure, which could change patterns of budget allocation to the detriment of basic education. For example, Lesotho’s response to the threat of rising unemployment was to shift spending priorities from pre-school and primary education to technical and vocational training.<sup>8</sup>

- **Students from remote areas**

8. Urban-rural differences create another layer of inequality. The pattern of disadvantage is highly variable but overall ratios tend to be higher in urban or lowland areas. [...] [T]rained teachers are often concentrated in urban areas. [...] In Lesotho, nearly a quarter of teachers in lowland areas are unqualified, compared with about half in the mountainous and less accessible areas. These areas also tend to have higher repetition rates and, like other rural areas, poorer test scores.<sup>9</sup>

**Cooperation:**

9. Lesotho is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

10. Lesotho **did not report** to UNESCO on the measures taken for the implementation of the 1960 Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)

11. However, Lesotho reported to UNESCO within the framework of the **Eighth Consultation** of Member States (covering the period 2006-2011).

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<sup>6</sup> The Development of Education: Lesotho National Report submitted for the 48<sup>th</sup> International Conference on Education, Geneva, 2008, p. 10, accessible at:

[http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/lesotho\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/lesotho_NR08.pdf) (Accessed 14 November 2013)

<sup>7</sup> <http://www.unesco.org/education/edurights/media/docs/11a1cd1054eebdfd5af318634aa1307aca7fc688.pdf>

<sup>8</sup> EFA Global Monitoring Report 2010, p. 27, accessible at:

<http://unesdoc.unesco.org/images/0018/001866/186606E.pdf> (Accessed 14 November 2013)

<sup>9</sup> EFA Global Monitoring Report 2010, p. 115, accessible at:

<http://unesdoc.unesco.org/images/0018/001866/186606E.pdf> (Accessed 14 November 2013)

12. Lesotho **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

13. Lesotho **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, Lesotho **reported** to UNESCO within the framework of the **Second Consultation** (2011).

14. Lesotho is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

15. Freedom of expression is guaranteed under Section 14 of the Constitution of Lesotho (1993, amended in 2001), with restrictions on matters such as defense, public safety, public order, public morality, public health and other people's reputations.<sup>10</sup>

16. The press is regulated under the Printing and Publishing Act (1967).<sup>11</sup> Under Section 10 of the Act, it is prohibited to import, print, publish, sell or offer for sale, distribute or reproduce printed matter or an extract thereof, which proves to be "a clear and present danger to public safety, public order, public morality or fundamental human rights and freedoms".

17. The Telecommunications Authority Act (2000) provides for the development of telecommunications and the establishment of an independent regulatory authority.<sup>12</sup> The ICT Policy for Lesotho (2005) sets out broad policy for the ICT sector as a whole.<sup>13</sup>

18. The Official Secrets Act (1976) and the Public Service Act (2005)<sup>14</sup> prohibit civil servants from disclosing information. The sale and exhibition of obscene publications are prohibited under the Obscene Publications Proclamation (No 9. of 1912). The Parliamentary Powers and Privileges Act (No. 8 of 1994) provides for powers, privileges and immunities of each of the Houses of Parliament and for related matters including printing and publication of proceedings.<sup>15</sup>

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<sup>10</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_126743.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126743.pdf)

<sup>11</sup> [http://www.kas.de/wf/doc/kas\\_8939-544-2-30.pdf](http://www.kas.de/wf/doc/kas_8939-544-2-30.pdf)

<sup>12</sup> [http://www.commonlii.org/ls/legis/num\\_act/ltaa2000429.pdf](http://www.commonlii.org/ls/legis/num_act/ltaa2000429.pdf)

<sup>13</sup> <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/les/LTA-ACT-2000.pdf>

<sup>14</sup> [http://www.mps.gov.ls/documents/Public\\_Service\\_Act\\_2005.pdf](http://www.mps.gov.ls/documents/Public_Service_Act_2005.pdf)

<sup>15</sup> [http://www.kas.de/wf/doc/kas\\_8939-544-2-30.pdf](http://www.kas.de/wf/doc/kas_8939-544-2-30.pdf)

19. Defamation is a criminal offence under Part VIII of the Penal Code of Lesotho (2010).<sup>16</sup> Such an offence carries a fine penalty ranging from Level 1 of M 1,000 (approximately US\$100) to Level 5 of up to M 20,000. Furthermore, under the Sedition Proclamation (No. 44 of 1938) and the Internal Security General Act (1984)<sup>17</sup> criticism of the government is prohibited and seditious libel may be penalized.

20. A freedom of information law does not currently exist in the country.

Media Self-Regulation:

21. Media self-regulation mechanisms are not sufficiently enough developed in the country.

Safety of Journalists:

22. **UNESCO recorded no killing of journalists in Lesotho between 2008 and 2012**<sup>18</sup>.

### **III. RECOMMENDATIONS**

23. **Recommendations made within the framework of the Working Group on the Universal Periodic Review, 16 June 2010:**

24. **In the Report of the Working Group on the Universal Periodic Review, 16 June 2010<sup>19</sup>, Lesotho was recommended to:**

- i) *Apply the same spirit of protecting and promoting human rights, stressing human rights education, to the efforts undertaken to implement its National Vision 2020 (Senegal);*
- ii) *Continue to strengthen its education policy, with international cooperation and technical assistance, enabling the required infrastructure to provide an inclusive education that meets the needs of its people, in conditions that guarantee full equality in terms of access (Bolivarian Republic of Venezuela);*
- iii) *Continue to apply measures to guarantee access to [...] quality education for all its population (Cuba);*
- iv) *16. Continue to improve access to basic services, such as [...] education, with the full support and cooperation of the international community (Bangladesh);*
- v) *25. Enhance its educational system with a focus on further improving literacy rates, with the support of the international community (Philippines);*

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<sup>16</sup> <http://www.lesotholii.org/ls/legislation/act/2012/6>

<sup>17</sup> [http://www.kas.de/wf/doc/kas\\_8939-1522-2-30.pdf?060822104742](http://www.kas.de/wf/doc/kas_8939-1522-2-30.pdf?060822104742)

<sup>18</sup> <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/>

<sup>19</sup> <http://www.upr-epu.com/files/185/GR.pdf>

*vi) Take all necessary social, educational and legal measures to address the problem of violence against women and to ensure that cases of domestic violence within the family are properly investigated and punished (Italy);*

25. *All those recommendations were accepted by Lesotho.*

**26. In addition, the following recommendations enjoy the support of Lesotho, which considers that the recommendations below are either already implemented or in the process of implementation:**

*i) 7. Include in the Children's Protection and Welfare Bill the prevention of the worst forms of child labour and the provision of equal access to education for all children (United States);*

*ii) 22. Establish a national human rights institution and strengthen human rights education and school programmes and general social measures, with the support of the international community (Kuwait);*

27. Analysis: Lesotho amended its Constitution that secures human rights education as well as free and compulsory primary education without any discrimination. International standards have been integrated. However, Lesotho has not taken new measures to reduce illiteracy and violence against women yet. Also, there is no sufficient measure to ensure inclusive education.

**28. Specific recommendations for the second UPR cycle on the right to education:**

28.1 Lesotho is encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

28.2 Lesotho is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

28.3 Lesotho could be encouraged to increase its efforts to improve teachers' training as well as their working and living conditions, particularly for those teaching in remote areas.

28.4 Lesotho is encouraged to take additional measures to improve the quality of education throughout the country and to allocate more resources to education.

28.5 Lesotho is encouraged to take new measures to address illiteracy.

28.6 Lesotho is encouraged to intensify its efforts towards inclusive education.

### **Freedom of opinion and expression**

28. Lesotho is encouraged to introduce a freedom of information law that is in accordance with international standards.

29. Lesotho is encouraged to decriminalize defamation and insult laws, currently in the Penal Code, Sedition Proclamation, and Internal Security General Act and place them within the civil code that is in accordance with international standards.

30. Lesotho is encouraged to review its media-related laws including the Printing and Publishing Act (1967) to ensure that it is align to international standards in promoting freedom of expression.

31. Lesotho is recommended to develop self-regulatory mechanisms of the media as well as to strengthen the professional standards of journalism in the country.

### **Cultural rights**

32. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Lesotho is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Lesotho is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

33. With regard to contribution of science and technology to development, Lesotho is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.