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

### **Lesotho**

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## List of acronyms

|        |  |
|--------|--|
| ACRWC  | African Charter on the Rights and Welfare of the Child                     |
| ARINSA | Asset Recovery Inter-Agency Network for Southern Africa                    |
| ARVs   | Antiretroviral   |
| CEDAW  | Convention on the Elimination of All Forms of Discrimination against Women |
| CSE    | Comprehensive Sexuality Education  |
| CGPU   | Child and Gender Protection Unit   |
| CHAL   | Christian Health Association of Lesotho                                    |
| CPWA   | Children Protection and Welfare Act  |
| CRC    | Convention on the Rights of the Child                                      |
| CRMW   | Convention on the Rights of Migrant Workers                                |
| CSOs   | Civil Society Organizations  |
| DCEO   | Directorate on Corruption and Economic Offences                            |
| FBO    | Faith Based Organizations  |
| FNCO   | Food and Nutrition Coordinating Office                                     |
| GBV    | Gender Based Violence  |
| ICAP   | International Centre for ADIS Care and Treatment Programmes                |
| LEA    | Legal Environment Assessment   |
| LGBTI  | Lesbian Gay Transgender Bisexual and Intersexual                           |
| MGYSR  | Ministry of Gender, Youth, Sports and Recreation                           |
| NAC    | National Aids Commission   |
| NACSAP | National Anti-Corruption and Strategy and Action Plan                      |
| NSDP   | National Strategic Development Plan  |
| NGO    | Non-Governmental Organization  |
| NISSA  | National Information System for Social Assistance                          |
| OHCHR  | Office of the High Commissioner for Human Rights                           |
| SADC   | Southern African Development Community                                     |
| SDG    | Sustainable Development Goals  |
| SRH    | Sexual and Reproductive Health   |
| UN     | United Nations   |
| UNAIDS | United Nations Program on HIV/AIDS   |
| UNDP   | United Nations Development Programme                                       |
| UNFPA  | United Nations Population Fund   |
| UNICEF | United Nations International Children's Emergency Fund                     |
| UNODC  | United Nations Office on Drugs and Crime                                   |
| UPR    | Universal Periodic Review  |
| WHO    | World Health Organization  |

## **I. Process for the preparation of the report**

### **A. Approach**

1. The report has been prepared in accordance with Human Rights Council (the Council) decision 17/119. It stipulates the progress made by Lesotho on accepted recommendations since the last review in 2015. It lays out new developments that have emerged since the review as well as indicating the progress made on some noted recommendations. It also outlines challenges that are being encountered in the respect, protection and fulfillment of Lesotho's obligations.

2. The recommendations have been thematically clustered as per the Office of the High Commissioner for Human Rights (OHCHR) although in some areas, the recommendations were merged and or modified.

### **B. Consultation processes**

3. A consultation workshop was held in June 2017 whose aim was to track the implementation of the recommendations as well as to pave the way for drafting a mid-term progress report. The workshop was attended by the Government Ministries, United Nations (UN) Agencies, Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs). A mid-term report was submitted to the Council in 2018.<sup>1</sup>

4. A consultative meeting was held on 13 June 2019 to raise awareness on the Universal Periodic Review (UPR) process and urge stakeholders to take responsibilities specific to their mandates. The meeting was attended by the Government Ministries, NGOs, CSOs and the UN agencies.

5. As a follow-up to the consultative meeting, a meeting was held on 19 June 2019 to discuss the setting up of structures that will be able to influence the UPR process. An Inter-Ministerial Committee on UPR was to be established which would be responsible for the drafting of the report and its advocacy. The Inter-Ministerial Committee compiled the report and circulated it amongst the UPR Steering Committee composed of UN agencies which provided discussion spaces for multi-sectoral interaction with the UPR process.

6. A validation workshop was held on 25 September 2019 to disseminate the report as well as to encompass national ownership of the process. The workshop was facilitated by an expert from the OHCHR Regional Office for Southern Africa in Pretoria. The workshop was attended by the Government Ministries, Judiciary, NGOs, CSOs, the UN agencies and other development partners, Oversight Institutions such as the Ombudsman and National Assembly.

7. The above-mentioned processes received financial support of the United Nations Development Programme (UNDP) Lesotho, UN Country Team and the technical assistance of the OHCHR Regional Office in Pretoria.

## **II. Follow-up on the previous review: implementation of accepted recommendations**

### **A. International obligations and technical assistance (Recommendations 113.1, 113.10, 114.1, 114.2, 114.3, 114.4, 114.5, 114.6, 114.7, 114.8, 114.9, 114.13, 114.14)**

8. Lesotho is a State Party to all the major international human rights instruments. However, she still has outstanding treaties which have not yet been ratified.<sup>2</sup> Internal consultations are on-going with the relevant stakeholders.

9. Notwithstanding the fact that Lesotho has not yet ratified the OP CAT, missions are undertaken to Correctional Institutions by organizations such as the International Committee of the Red Cross, the African Commission on Human and Peoples' Rights (the African Commission) and the United Nations Office on Drugs and Crime (UNODC). These have recommended that such Institutions should be compatible with acceptable international standards such as addressing overcrowding, high incidence of HIV/AIDS and the need for effective and innovative HIV-management programmes. The recommendations are currently being implemented.

10. Lesotho requested for technical assistance to address some of her human rights challenges such as training on human rights issues and state party reporting. A workshop was held on 20–22 January 2016 whose purpose was to address the backlog of state party reports and propose an effective mechanism to ensure timely reporting and follow-up on the implementation of recommendations from various treaty monitoring bodies. The workshop was fully sponsored by the OHCHR Regional Office in Pretoria.<sup>3</sup>

11. The OHCHR organized a training workshop on training of trainers on state party reporting with particular focus on the UN Human Rights systems. The training was held for Government officials from the Southern Africa Region from 26–30 September 2016. 4 officials from Lesotho participated at this training.<sup>4</sup>

12. A national training workshop for Government officials and CSOs on human rights treaty body reporting was held by the OHCHR Regional Office in Pretoria in collaboration with the UNDP Lesotho from 21–29 May 2017. The objective of the training was to explain the functions of the treaty bodies and how to report to the various treaty monitoring bodies. Further, to identify how Government structures can efficiently work with the international human rights mechanisms and how they could be formed.<sup>5</sup>

13. It was identified that Lesotho lacks an effective mechanism to ensure timely reporting and follow-up on the implementation of recommendations from the various treaty monitoring bodies. Missions have been undertaken to Lesotho by the OHCHR to work on the establishment of a National Mechanism on Reporting and Follow-up. The process to establish such is underway.<sup>6</sup>

14. Through the Programme on Reform of Governance, Rights and Empowerment for Sustained Stability, the UNDP aimed to support partners in the further entrenchment of democratic principles and stability. Some of the overall objective of the Programme was to deepen a culture of good governance and human rights protection through strengthening the capacity of key institutions of governance (Parliament, Independent Electoral Commission, the Human Rights Unit (the Unit) and the Human Rights Commission) and ensuring civil society participation.

15. The Unit and other Governance Institutions are also benefitting from the current Programme on Renewal and Enhancing Governance Architecture under the UNDP Lesotho. The programme, amongst others, will assist the Government to attain its objectives as spelled out in the National Strategic Development Plan (NSDP) II.<sup>7</sup>

## **B. Cooperation with the treaty bodies and special procedures (Recommendations 113.45, 113.46, 113.47, 113.48, 113.49, 113.50, 113.51, 113.52, 113.74, 113.86)**

16. Lesotho ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW) and the initial report was due since 2007. As such, Lesotho prepared her report under the simplified reporting procedure which was submitted on 30 November 2015. The initial report was considered by the Committee during its twenty-fourth session on 12 and 13 April 2016.

17. Progress with regards to the CRMW recommendations are as follows:

- 8<sup>th</sup> Amendment to the Constitution 2018 was passed to allow for dual citizenship and also to provide for equality between men and women during marriage to a

Lesotho citizen and to allow naturalized or registered Lesotho citizens to regain or retain their birth nationality;

- The Dual Citizenship Act 2018 uplifts the discriminatory provisions which were favoring women married to Lesotho citizens over foreign men who marry Basotho by providing for similar requirements for acquisition of citizenship;
- In 2017, the Immigration and Citizenship Policy was adopted by the Cabinet. Thereafter, the Immigration and Citizenship Bill 2018 was drawn. It is intended to replace the Aliens Control Act of 1966 and the Citizenship Order of 1971 to provide for a comprehensive overhaul of immigration issues; and
- An action plan is being drafted to assist in tracking the implementation of the recommendations.

18. Lesotho's periodic report on the Convention on the Rights of the Child (CRC) was examined in May 2018. Recommendations that ensued from the presentation are being implemented under the leadership of the Ministry of Social Development in partnership with other Government Ministries and CSOs. These include, amongst others, prohibition of corporal punishment; Lesotho has embarked on Violence Against Children Survey to determine the magnitude of the problem. The results will inform the design of programmes.

19. Lesotho's report on the International Covenant on Economic, Social and Cultural Rights has been due since 1994. Technical assistance was sought from the OHCHR so as to pave the way for the finalization of the report. The periodic report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ready for submission to the Cabinet for approval.<sup>8</sup>

20. Lesotho applied for the simplified reporting procedure under the International Covenant on Civil and Political Rights and the list of issues have been received by the Government and such are due in April 2020. She also applied for the same procedure under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and such approval was rendered. The Government has received the list of issues and these are due in May 2020. Lesotho is working towards their response.

21. Lesotho's initial report on the domestic implementation of the African Charter on the Rights and Welfare of the Child (ACRWC) was presented in November 2015. Lesotho hosted the 29<sup>th</sup> ordinary session of the African Committee of Experts on the Rights and Welfare of the Child (the Committee). Lesotho will also be hosting the Secretariat of the Committee and preparations are underway.

22. Lesotho submitted and presented her overdue combined periodic reports (2nd to 8th) on the African Charter on Human and Peoples' in April 2019. The initial report on the Protocol to the African Charter on the Rights of Women in Africa was also presented as the two are considered concurrently.

23. The African Union Protocol on the Rights of Older Persons was signed and ratified in 2018 and the Ministry of Social Development is in the last stages of the drafting process of the Older Persons Protection Bill 2019. Further, the Ministry has formulated an Older Persons Policy of 2016. The Policy promotes equality across all ages, prevents all forms of prejudices and age discrimination that deny older persons' opportunities to enjoy their rights like all citizens.

24. In order to discharge her obligations under the Convention on the Rights of the Child, the Children's Protection and Welfare Act 2011 (CPWA), already provides for the protection of children against violence.<sup>9</sup>

25. A standing invitation was extended to the Special Rapporteur on the human rights to safe drinking water and sanitation who undertook a mission to Lesotho from 4 - 15 February 2019. The report of the mission was tabled during the 42nd session of the Human Rights Council.<sup>10</sup> The recommendations that emanated there from are being implemented incrementally in daily water supply and sanitation services provision. The Government is embarking on the development of water supply and sanitation legislation and will embrace human rights aspects.

26. An invitation was also extended to the Special Rapporteur on extreme poverty and human rights but such has not yet been undertaken.

**C. Constitutional and legislative framework (Recommendations 113.2, 113.3, 113.4, 113.5, 113.6, 113.8, 113.9, 113.11, 113.55, 113.71, 113.72)**

27. Although some existing laws do not domesticate various Conventions holistically, such as the Legal Capacity of Married Person's Equality Act 2006 which incorporates the CEDAW into the national law, Lesotho intends to establish as part of constitutional reforms, a comprehensive and systematic process for domestication of all international human rights treaties which Lesotho has ratified.

28. There has been extensive consultation with various sectors of the Government and CSO since 2017, on the draft Law against Domestic Violence. In addition, a briefing workshop was arranged to sensitize parliamentarians to the proposed provisions of the legislation, in order to secure their support in passing of the legislation.

29. To ensure equality between men and female, in *Mokhele and Others v Commissioner of LDF and Others*,<sup>11</sup> the Constitutional Court held that dismissal of female members of the army who were pregnant within five years of their recruitment is discriminatory and unconstitutional as it contradicts section 18 of the Constitution.

30. Customary law as well as Basotho's cultural practices remains a challenge to effective implementation of equality between men and women in areas of succession to the throne and in chieftainship. In terms of section 18(4) (c) of the Constitution, anything done under Sesotho Customary Law is immune from the non-discrimination provisions under section 18.

31. Section 10 of the Chieftainship Act 1968 limits succession to chieftainship to male children. This section is based on Sesotho Customary Law and the Constitutional Court in the case of *Senate Masupha v Senior Resident Magistrate of the District of Berea and Others*,<sup>12</sup> declined to declare section 10 discriminatory and unconstitutional because of section 18(4)(c) of the Constitution. The case is currently before the African Commission.

32. The Government has undertaken the following measures to mitigate the above challenges: there is currently an in-house review of the Chieftainship Act in order to include women to succeed to chieftainship.

33. Government in partnership with the College of Chiefs and CSOs are embarking on awareness-raising community gatherings for recognition of the inherent dignity of women and equality of all persons.

**D. Promotion of human rights (Recommendations 113.13, 113.15, 113.16, 113.17, 113.18, 113.19, 113.20, 113.21, 113.22, 113.23, 113.24, 113.25, 113.26, 113.27, 113.28, 113.29, 113.30, 113.31, 113.32, 113.33, 113.34, 113.37, 113.73, 113.82, 113.85, 113.87, 113.88, 113.89, 113.90, 113.113, 113.117, 113.119, 113.120, 113.121, 114.19)**

34. The Human Rights Commission (the Commission) was established by the 6th amendment to the Constitution in 2011. On 2 November 2015, the Human Rights Commission Bill was tabled in the Parliament and the Human Rights Commission Act was promulgated in June 2016. Some NGOs stated that the law was not in compliance with the Paris Principles pertaining to the appointment and dismissal procedures of the Commissioners, with arguments that too much power was vested in the Executive. A case was lodged by the NGOs.<sup>13</sup> The case was dismissed by the High Court and an appeal was lodged. Regulations spelling out the appointment of Commissioners were passed in August 2016.<sup>14</sup>

35. On 23 September 2016, the Lesotho National Federation of the Disabled was presented with the Human Rights Commission Act which has been transcribed into Braille, this being the first piece of legislation of its nature. The rationale was that persons with

disabilities have the right to access to information and need to know the contents of the Act so that they will be able to access the Commission.<sup>15</sup>

36. The Unit undertook a study tour to the University of Pretoria whose objective was to make a comparative analysis of the various Human Rights Commissions in the region. In October 2016, UNDP funded the Ministry of Law to undertake a study tour to the Kenya National Human Rights Commission. The objective of the tour was to benchmark and learn from their best practices, challenges and successes in setting up and running an independent national human rights institution.<sup>16</sup>

37. In 2018, the Government and the NGOs reviewed the Act and a cabinet memorandum which spells out the changes that will be effected in the Act and Regulations was presented before the Cabinet for consideration. However, the memorandum was withdrawn<sup>17</sup> on the basis that the matter be referred to the Reforms process. The establishment of the Commission is in line with Goal 16 of the Sustainable Development Goals (SDGs).

38. In an effort to implement the adopted National Strategies and promote human rights, the NSDP II 2018/19 – 2022/23 (NSDP II) was developed. NSDP II is defined through four key priorities areas:<sup>18</sup>

- Promoting Inclusive and Sustainable Growth;
- Strengthening Human Capital through investment in Health, Nutrition, Skills development, Social protection and Migration;
- Building Enabling infrastructure; and
- Strengthening Governance and Accountability.

39. NSDP II is linked to different social challenges such as the cross cutting issues like poverty, gender, human rights, HIV/AIDS, disability, children and youth, climate change, environment, governance and so on. During NSDP II implementation, the Government will reform the social protection strategy to make programmes more targeted and better coordinated.

40. To continue reforms to improve policies and special programmes geared to strengthening and protecting human rights, the Government will operationalize the National Human Rights Commission. Government will also develop the Human Rights Action Plan to coordinate efforts of institutions and civil society in furtherance of human rights<sup>19</sup>.

41. To address challenges of the Millennium Development Goals as well as take steps to implement the SDGs, the Government through a participatory process developed a ten-year Gender and Development Policy 2018-2028. The Policy is implemented through multi-sectoral approaches with the participation of all Government ministries, local authorities, CSOs, Faith Based Organizations, academia, the private sector and development partners.

42. The Policy is aligned to international and regional instruments including the SDGs, SADC Protocol on Gender and Development, CEDAW. At the local level, it is aligned to the national frameworks such as the NSDP II and the National Vision 2020.

43. In order to provide for the well-being and living standards of the citizenry, the Government identified the need to increase the efficiency and coverage of social protection programmes, to improve the institutional coordination, to harmonize legal frameworks, and to consolidate social assistance programmes across the country. To strengthen social policies, Lesotho established the National Information System for Social Assistance (NISSA). NISSA is a registry which stores socio-economic data that will be used for targeting, planning, managing and monitoring social protection programmes. NISSA currently holds information on approximately 333,245 of Lesotho's rural households and 64 community Councils.<sup>20</sup>

44. The Government realizes that there is need to mainstream disaster risk reduction and or resilience. The Government has developed the National Resilience Strategic Framework 2017-2030. The overall objectives of the framework are the following:



- To detect in advance and take early action to prevent and mitigate the potential negative impact of shocks and stresses through an effective and efficient early warning system;
- To help individuals, households, communities and societies affected by shocks and stresses to recover faster and to rebuild their lives in ways that reduce their vulnerability;
- To help communities to absorb and adapt better to the economic and social strain;
- To transform the underlying structural issues that has the potential to precipitate crisis.<sup>21</sup>

45. The National Climate Change Policy 2017 recommends means through which financing may be obtained in a sustainable predictable scalable manner. Recognizing that existing funding mechanisms have inherent multiple challenges, the Policy recommends a mix of means through which such financing may be obtained including: dedicated climate funding from bilateral and multilateral sources; the National Budget; private sector finance and Foreign Direct Investments and funding from Carbon Markets.<sup>22</sup> This is in line with SDG 13 on climate action.

46. In order to adopt a long term sustainable policy approach to respond to climate change and food security, Lesotho has already developed the above-mentioned policies. Effective implementation of these policies and programmes will be significant in fighting climate change and food security challenges.<sup>23</sup>

47. While food insecurity and malnutrition remain major challenges in Lesotho, the political commitment to end hunger has been highly reflected in the involvement of His Majesty King Letsie III at the national, regional, and global levels as the Food and Agriculture Organization's Special Ambassador for Nutrition and also Nutrition Champion for the African Union.

48. Eradicating hunger and malnutrition are longstanding priorities in Lesotho. The Government has established the Food and Nutrition Coordinating Office (FNCO) under the Prime Minister's Office to provide leadership and coordinate response to hunger and nutrition in Lesotho.<sup>24</sup>

49. Led by the FNCO, the Food and Nutrition Strategy and Action Plan 2019-2023 has been developed and it defines the national medium-term strategy for food and nutrition security together with a costed action plan, both of which shall guide design and implementation of food and nutrition security programmes, projects and related actions by all stakeholders.<sup>25</sup>

50. As a way of reducing extreme poverty, food insecurity and unemployment as well as taking action towards zero hunger, Lesotho launched the National Nutrition Policy in 2016 which will provide guidance to sectors on the comprehensive approach to address malnutrition using evidence-based strategies to maximize impact.<sup>26</sup> Further, the Government commissioned the Zero Hunger Strategic Review 2018 whose purpose was to support national efforts to accelerate actions towards eliminating food insecurity and malnutrition. The review recommends how policies, programmes and strategies can be adjusted or adapted to have a food security or nutrition impact.<sup>27</sup> The Government is also in the process of preparing a road map for a comprehensive approach to promote early childhood nutrition. Lesotho is further working on the establishment of the Food and Nutrition Council which is intended to coordinate all line ministries in promoting nutrition related issues.

51. Key challenges to controlling malnutrition include: inadequate capacity to coordinate programmes; limited resource allocation and support to programmes; insufficient monitoring, evaluation, and accountability; and lack of quality research to guide planning and priority-setting for the national nutrition agenda. Hence the Government will review and mainstream nutrition into all national plans, sector policies and strategies.<sup>28</sup>

52. As a means of reducing environmental degradation, in 2017, the Ministry of Energy and Meteorology put in place the Energy Policy to address a number of interrelated issues

which include, amongst others, climate change and environmental sustainability. The Policy was developed with four goals, namely:

- To contribute towards the improvement of livelihoods;
- Contribute towards economic growth and investment;
- Ensure security of supply; and
- Contribute towards the protection of the environment.

53. The Lesotho National Youth Policy of 2017, developed by the Ministry of Gender and Youth, Sports and Recreation (MGYSR), aims to stimulate environmental awareness amongst the youth and their responsibilities towards sustainable environment and reduction of poverty.

54. The National Policy on Social Development and the National Social Protection Strategy which converses about disability grants, were adopted by the Cabinet in December 2014 and officially launched in January 2015. This policy and strategy came about as a result of the Government's quest to effectively respond to the increasing social burden resulting from poverty, HIV and AIDS, unemployment and food insecurity. Thus far the country is in the process of reviewing progress on implementation. SDG 1, has been partially met by Lesotho, through the drafting of these policies that are aimed at poverty reduction and the abolishing discrimination of all vulnerable groups.

## **Rights of specific groups**

### **E. Women's rights and human trafficking (Recommendations 113.2, 113.5, 113.6, 113.7, 113.8, 113.9, 113.11, 113.15, 113.41, 113.54, 113.55, 113.56, 113.57, 113.61, 113.62, 113.63, 113.64, 113.65, 113.66, 113.68, 113.69, 113.70, 113.71, 113.72, 113.73, 114.21, 114.22)**

55. According to the Lesotho Millennium Development Goals 2015 Report, Lesotho made progress in promoting gender equality and empowerment of women. Noted progress is in education and non-agricultural wage employment.<sup>29</sup> At the 27th African Union Summit held in Rwanda from 17–18 July 2016, Lesotho won the 2016 African Gender Award as one of the continent's top performers in the advancement of economic and social rights of women.

56. Lesotho is experiencing a high rate of human trafficking of women and children. Currently there are about 50 cases of trafficking reported and about thirteen of those the perpetrators or suspects have been remanded before courts of law. The challenges include the victims not being available for trial. As a means to support victims, there is the Victims of Crime Office established under the Ministry of Justice. The office generally eases the victims' interaction with the criminal justice system. The office provides emotional and practical support to people affected by crime.

57. The Government has adopted measures to combat human trafficking. There has been enactment of the Anti – Trafficking in Persons Act 2011. The Government has currently developed regulations and the National Action Plan to implement the Act. The Act has been simplified, translated and disseminated as part of awareness campaigns on human trafficking. Anti-Trafficking Regulation provides for protection of witnesses so that the perpetrators can be convicted. They are provided with free legal and psychological support.

58. Other interventions include partnerships with CSOs and community networks to address human trafficking through community intensive awareness raising campaigns. There is a pilot project called "Counter Trafficking and Addressing Irregular Migration Through Strengthening Border and Migration Management, Sensitisation on Trafficking in Persons and Building Capacity of Law Enforcement and Border Officials in Lesotho" which is intended to address the existing challenges at the key port of entries and counter trafficking targeting vulnerable communities living near hot spots along the official and unofficial border crossings in Lesotho.

59. The Lapeng Care Centre has been strengthened. The Centre currently operates 24 hours, and it provides psycho-social support and resilience skills to Gender Based Violence (GBV) survivors. The Centre has a permanent social worker, a nurse and a matron. Through the UNFPA and UNAIDS support the centre received training for staff on basic developmental counseling to equip them with counseling skills on gender-based violence.<sup>30</sup>

60. The MGYSR has strengthened two GBV networks in the district of Maseru. The overall role of the networks is to handle GBV cases at the community level and assist survivors with the reporting procedure. There is also male involvement in GBV prevention programme which aims to engaging men and boys as agents of change in promoting gender equality and creating a healthy living environment. Accordingly, there is Khotla Lesotho, a males NGO, working on GBV prevention and human rights.<sup>31</sup>

61. The UNFPA strengthened capacities of Parliamentarians to advocate for and participate in the development and implementation of laws and policies on Sexual Gender Based Violence and Harmful Practices including linkages to SRHR related legislation and policies, and gender equality and non-discrimination. Through the UNFPA support, the first GBV in emergencies baseline study in Lesotho was commissioned and a number of outreach activities done to strengthen prevention, response and coordination of GBV cases during emergencies.

62. Through the UNFPA support the first National Standard Operating procedures were developed to address GBV in emergencies. The UNFPA also supported the Ministry of Health to revise the health response guidelines in addressing sexual offences, and aligned it with the World Health Organization (WHO) international standards, Health practitioners received capacity building on screening of GBV cases.

63. The Ministry of Education has revised out of school curriculum to include comprehensive sexuality education and GBV.

64. With the support of the UNFPA, a gender expert was engaged and has contributed substantive inputs and insights to support the process and ensure integration of gender and SDG 5 into the NDSP II.

65. The MGYSR simplified, translated and popularized the Legal Capacity of Married Persons Act 2006. The simplified version is being disseminated in the districts by giving copies to community leaders, organizations and the public at large during public gatherings or forums.<sup>32</sup>

66. The MGYSR and the CSOs conducts CEDAW campaigns with the purpose of disseminating information on the Convention. Moreover, the Convention was simplified and translated into the local language (Sesotho).<sup>33</sup>

67. A draft of the reviewed policy, the Gender and Development Policy 2017-2027 is awaiting the Cabinet's approval. This draft policy is aligned to the Southern African Development Protocol on Gender and Development and some provisions of the CEDAW Convention and the SDGs.<sup>34</sup>

68. The Government through the Ministry of Small Business Development, Cooperatives and Marketing has embarked on development of Micro, Small and Medium Enterprises Policy of 2016. The Policy gives guidance on accessibility to credit. It has been noted that a large number of women own Small, Medium and Micro-sized Enterprises.<sup>35</sup>

69. Notwithstanding the above measures, GVB is still on the increase and remains one of the main challenges facing women in Lesotho. Reports show that 86% of women experience GBV while 41% of men are reported as perpetrators. GBV thus presents a major obstacle for women across the country to realize their fundamental human, sexual and reproductive rights.<sup>36</sup>

**F. Children's rights (Recommendations 113.58, 113.64, 113.75, 113.76, 113.80, 113.81, 113.83, 113.101, 113.114, 113.116)**

70. The Government through the MGYSR, Ministry of Social Development and CSOs has been engaged in sensitizing the public on ending child marriage – a problem mostly encountered by girl children in Lesotho.

71. The Ministry of Social Development launched a campaign calling for an end to child marriages which was launched officially in November 2017 and such are ongoing. As part of the efforts, Princess Senate Seeiso has been appointed the National Champion to Ending Child Marriage. Campaigns have so far been conducted in 39 community councils out of 64. Positive changes brought about the campaigns are that there has been a decrease of girls who marry before the age of 18.<sup>37</sup>

72. The Children's Protection and Welfare Amendment Bill 2019 (the Amendment Bill) makes child marriage a punishable offence. Other mechanisms/initiatives geared towards abolishing child marriage include the Violence Against Children Survey conducted by the International Centre for AIDS Care and Treatment Programmes (ICAP) 2019, the existing Sexual Offences Act 2003, Multi- Sectoral Child Protection strategy and the UNICEF desk review on Violence against Children 2015.

73. The Children's Protection and Welfare Act (CPWA) 2011, already provides for the protection of children against violence.<sup>38</sup> Lesotho is currently conducting a survey on violence against children through the assistance of the United States of America (USA) President's Emergency Plan for AIDS Relief, and the USA Centers for Disease Control and Prevention and ICAP. The preliminary findings identify different types of violence against children and the gaps in punishment against such crimes. Following completion of the study, a national action plan will be drawn to address all forms of violence against children. Lesotho has partially met SDG 10.3 as she is taking measures to establish the magnitude of violence, its different types and how to deal with it.

74. CPWA Amendment Bill seeks to abolish all forms of child labour. Further, the Anti-trafficking Act 2011 intends to prohibit forced labour by placing harsh penalties on the perpetrators. Monna-ka khomo (an NGO), is also an initiative aimed at the reduction of child labour that seeks to give education to herd boys.

75. To protect children from trafficking and exploitation, the Anti-Trafficking Act 2011 is in the process of being amended to eliminate force as an element and abolish consent of children as defense.

76. Through the International Organisation on Migration, Lesotho has trained some social workers on addressing violation of the rights of children and the identification of trafficked victims.

77. Lesotho has institutions such as the children's court and the Child and Gender Protection Unit (CGPU) that were established for the protection of rights of children. There has been capacity-building for the CGPUs officers under the Justice for Children programme geared towards administration of child-friendly justice for alleged child offenders, victims, witnesses and other children in need of justice services.

78. To ensure that birth registrations are implemented effectively, the Ministry of Home Affairs has deployed staff to community councils to ensure universality of registration though not all councils have been covered. The human resource is sufficient but financial and logistical resources remain a challenge.

79. With support from the United Nations International Children's Emergency Fund (UNICEF) and in close collaboration with the Ministries of Home Affairs and Health, forty-six (46) birth registration facilities have been established in Government and Christian Health Association of Lesotho (CHAL). This is intended to register all under-five births occurring at such facilities as well as of those in the vicinity. As of July 2019, over 25,690 under-fives were registered. The Ministry of Home Affairs is also embarking on issuance of Identity Cards for children aged 16 and older with the aim to equip them for their progression to tertiary education and other opportunities.

80. The Registration of Births and Deaths Act 1973 provides for free registration to ensure universal registration. There is a penalty of M4.50 for late registration (after one year of birth). However, in terms of Registration of Births and Deaths Bill 2019, late registration comes after 3 months and the penalty has increased to M30.00.<sup>39</sup>

81. On maternal and child health, the Government's intention is to reduce maternal mortality and this will be achieved by increasing immunization coverage from 68% to 90% by 2020. There will also be an increase in the number of women giving birth in hospitals from current 77% to 90% by 2020. Other issues on Government's agenda relate to malnutrition and obesity, which are negatively affecting the education sector.<sup>40</sup>

## **G. Rights of persons with disabilities (Recommendations 113.10, 113.114, 113.57)**

82. According to the 2016 Housing and Population Census, persons with disabilities constitute 2.5 % of the population. Of this, 41% are males and 59% females. The types of disabilities are broken down as follows: Visual disability 36.2%, hearing disability 20.3% speech disability 9.4%, physical disability 28.3% and instinctual disability 36.8%.<sup>41</sup>

83. Lesotho accessed the Convention on the Rights of Persons with Disabilities on 2 December 2008, and is in the process of domesticating the provisions of the Convention in the Persons Disability Equity Bill 2019 (the Bill), which has passed the first tabling in Parliament. There is also a Disability Mainstreaming Plan 2015, to ensure mainstreaming of disability in all programmes of Government Ministries, as a result there are focal persons on disability issues in some Ministries. Lesotho has partially met SDG goal 10.3 (reduce inequality within and among countries).

84. The Bill will ensure equal opportunity and reduce inequalities by promoting appropriate legislation and actions in that regard. Through the Bill, Lesotho has ensured that employment is merit based and accessible to people with disabilities. The Bill also mandates employers to make the workplace conducive for persons with disabilities. SDG 1.4 has been partially met this goal by ensuring that persons with disabilities as a vulnerable group have access to work opportunities.

85. The Bill further provides for inclusive education. The Ministry of Education has adopted Inclusive Education Policy in November 2018 which was launched in August 2019. The Policy addresses the inequalities suffered by learners with Special Educational needs (Including those with disabilities) in both formal and non-formal education. The Ministry is also working on finalizing the draft of the Inclusive Education Implementation Plan as well as developing a teacher training manual on inclusive education. Lesotho has thereby partially met goal 4.7 (a) that countries provide inclusive quality education for persons with disabilities.

86. The Bill also deals with all matters relating to access to buildings and the employment as well as training of teachers that are conversant in teaching methods for the different types of disabilities. In this regard, Lesotho has partially met SDG 4.5 by ensuring that persons with disabilities have equal access to education premises.

87. Currently, there are no specific programmes for people with disabilities, but there are subventions to care facilities, bursaries, public assistance in-cash and in-kind and child grant programme which accommodate persons with disabilities. The Bill provides for disability grant. The Government is in the process of establishing a Disability Public Fund through the Ministry of Finance. Lesotho has partially met SDG 1.3 goal by eliminating poverty within the group of persons with disabilities by supplying them with public assistance in cash, as well as the disability grant that is yet to be provided.

88. Persons with disabilities are still facing a myriad of challenges. They are not able to access information intended for the general public use as it is mostly in inaccessible formats. In addition, due to inadequate infrastructure, they are not able to access places where services are rendered. There is also shortage of supply of assistive devices which significantly limits their participation in social and economic activities.

## Socio-economic rights

### H. Right to health (Recommendations 113.67, 113.92, 113.93, 113.94, 113.95, 113.96, 113.97, 113.98, 113.99, 113.100, 113.102, 113.103, 113.104, 113.110, 114.23, 114.24)

89. The National Aids Commission (NAC) has been re-established. It was inaugurated on 10 December 2015 and NAC is expected to provide strategic leadership and governance, efficient and effective coordination and management of the National Multi-Sectoral and decentralized HIV/AIDS response, towards ending HIV/AIDS by 2030. It is currently operating under the National AIDS Commission Act No. 8 of 2005. A new National AIDS Commission Bill 2019 is yet to be tabled before the National Assembly for enactment.

90. The Ministry of Health has come up with strategies such as the Lesotho National Health Strategy for Adolescents and Young People 2015-2020 which accords adolescents and young people to have a right to access information, skills and services concerning their health. The Strategy also addresses issues of prevention; contraception and education programmes for young people. There is also a Revised Action Plan for Women and Girls and HIV and AIDS 2012-2016. The Plan addresses issues of access to health care services, particularly in the area of HIV/AIDS and Antiretrovirals (ARVs). The Government has also developed a Sexual and Reproductive Health Strategic Plan 2015-2020 which covers sexual and reproductive rights of women and girls.<sup>42</sup>

91. The Ministry of Health has taken the following measure to protect sex workers, factory workers, Lesbian Gay Transgender Bisexual and Intersexual (LGBTI) and prison inmates from discrimination and to guarantee them adequate access to HIV/AIDS care and other related services:

- Social and Behavior Change communication has been introduced through the peer education model using Interpersonal communication manual.
- Condoms education, promotion and distribution integrated within the delivery of Social and Behavior Change communication messaging.
- HIV testing and Counseling Services at community level which is primarily referral and linkage to care to the nearest facility.
- Self-testing has also been introduced to increase number of HIV testing especially for people who are not comfortable to use existing facilities.
- Pre exposure Prophylaxis administered to discordant partners, key populations and young people as HIV prevention strategy.
- Post Exposure Prophylaxis is also offered to all eligible clients including those who are sexually abused.

92. In order to improve rural women's access to sexual and reproductive health rights, the Ministry of Health in collaboration with NGOs, CSO and development partners have taken the following measures:

- Recruitment and capacitation of village health workers whose mandate include distribution of family planning commodities and provision of information on Family Planning at community level.
- Ministry of Health also updated the Community based Distributors' manual on distribution of Family Planning.
- With the aim of improving access to Family Planning and reducing missed opportunities to Family Planning, the Ministry of Health updated family planning guidelines in line with the latest WHO Medical eligibility criteria and also to promote human based approach to Family planning.
- Ministry of Health also launched the supply Chain strategic plan with the aim of improving accessibility and availability of Health commodities including reproductive Health Commodities.

- Review and updating of the Condom strategy was also done with the aim of improving access to condoms and social marketing of condoms.
- Mobile clinics which rove in villages, they provide all services including family planning services.
- Frequent outreach programs whose teams made up of a nurse, counselor, and young person to mobilize adolescents and young to utilize the services.
- The Ministry has also launched the Midwifery Services Framework with the objective of strengthening the ownership and involvement of the community in the prevention of maternal mortality.
- In order to address the challenges of cultural stereotypes around sexuality education, the Ministry of Health has developed the Parenting Manual on Sexuality to guide parent/child communication around sexuality.

93. In order to ensure a human rights based response to HIV, the Ministry of Health in collaboration with the development partners, CSOs and NGOs conduct social mobilization activities to raise awareness on HIV and AIDS, distribution of condoms with key social behavioral change messages, identification of gender based violence clients, referral and linkages to care and support especially the key populations and young people at community level to health facilities for clinical services.

94. The Legal Environment Assessment (LEA) 2016 report demonstrated need for several policies and laws review, including the National HIV and AIDS Policy 2006. The Joint United Nations Program on HIV/AIDS (UNAIDS) supported NAC to formulate National HIV and AIDS Policy 2019 to meet fully the rights and needs of People Living with HIV and vulnerable groups and address effectively challenges for fast tracking HIV response towards ending AIDS by 2030, reflect strategic directions reaffirmed in the 2016 Political Declaration on Ending AIDS adopted to Fast-Track the AIDS response and accelerate progress towards achieving the SDG target of ending AIDS by 2030. The 2019 Policy is under the Cabinet review.

95. A National Action Plan for HIV/AIDS and Law was endorsed by the Ministry of Law, Constitutional Affairs and Human Rights in August 2018. Informed by a robust assessment of HIV Legal Environment, the plan was developed with the support of UNAIDS and UNDP. Lesotho Joint team on AIDS has started to support implementation of the Action Plan for HIV/AIDS law and policy in 2018 and Women and Law in Southern Africa was selected to build the capacity of law enforcement agencies (police, magistrates etc.) to address human rights, GBV and HIV/AIDS related issues.

96. Lesotho is reinvigorating Faith-Based Organizations' (FBO) effective engagement in the HIV and AIDS response. A Faith Leaders Statement of Commitment to End HIV and AIDS and the Faith Sector Implementation Framework to address HIV, Sexual and Gender Based Violence, Sexual and Reproductive Health Rights and Adolescent Girls and Young Women was finalized in 2018 and waiting for the His Majesty's endorsement. FBO leaders plan to use their leadership to engage men and boys and to advocate for protection of adolescent girls and young women.

97. With the aim of improving the Health Sector, the Government has secured 36 Cuban doctors to be engaged in hospitals and clinics around the country. The Ministry of Health will further employ thirty-five 35 Basotho doctors and 252 nurses. To effectively tackle the cancer burden, the Ministry has developed a comprehensive National Cancer Control Plan. In the meantime, the Ministry has expanded cancer and renal care services by sending patients for treatment at Apollo Hospital in India. To date, 3 kidney transplants have been performed on Basotho patients in India. Health professionals (doctors, nurses and pharmacists) have been trained in India to facilitate the establishment of the National Chemotherapy Centre in Lesotho.

98. In July 2017 the 12th Stop Cervical, Breast and Prostate Cancers in Africa Conference and Exhibition was held in Lesotho and as the way of marking that important event Lesotho's first-ever cervical cancer screening and prevention facility, the Senkatana Centre of Excellence was launched. The facility offers comprehensive gynaecological

services, with an emphasis on cervical cancer screenings, diagnoses, pre-cancer treatment services, and referrals to facilities for cancer treatment.

99. Provision of health services has increased to reach more women in factory and hard to reach places. The provisions of services include in a large extend provision of sexual and reproductive health (SRH) services including family planning. Efforts to reach out to these women that do not provide family planning services included mobile clinics and other outreach intervention.

100. As a means of ensuring that health centres and health service providers reach all districts of Lesotho, in 2017, it was estimated that there were approximately 236 health facilities in the country, including one referral hospital, two specialized hospitals, 18 general hospitals, four primary hospitals, four filter clinics and 207 health centres.

101. Lesotho has not yet been to meet the target of allocating 15% of the budget to health services. However, it has allocated 11%.<sup>43</sup>

## **I. Right to education (Recommendations 113.105, 113.106, 113.107, 113.108, 113.109, 113.110, 113.112, 113.111, 113.115)**

102. Notwithstanding the existence of the compulsory attendance provision in the Education Act 2010 and several provisions in its subsidiary laws providing for access of all children regardless of their circumstances, the Education Act is currently under review and the amendment thereof contain provisions that intensify and fortify compulsory attendance in the sense that penalties and sanctions have been increased. Thus all parents and guardians are compelled to send children 6 years and above to school.

103. The following policies and strategies have been put in place in order to effectively implement free and compulsory education and also to ensure inclusive education of learners with disabilities:

- School Nutrition Policy makes provision for school feeding programmes to all primary schools. This policy is meant to lower the rate of school dropout due to hunger.
- School Improvement Plan Manual is meant to mainly retain learners in schools. 150 facilitators were engaged with the aim of implementing the manual in 2017.
- Non formal education policy approved and launched in 2018 enables the Ministry of Education to make arrangements for informal education for people who cannot afford to attend schools at formal times of school. Such individuals include herd boys and shepherds who normally look after animals during normal school hours.

104. In pursuit of administration of child-friendly justice, UNICEF supports the Ministry of Justice and Correctional Service in promotion of the Justice for Children programme aimed to support child victims, perpetrators, witnesses and others in need of justice services. The programme is in line with the CRC, the ACRWC and the CPWA, all of which guide law enforcement officials on appropriate procedures in administration of child justice at community and national levels.

105. The US\$2.1 million Lesotho basic Education improvement Project financed by the International Development Association aims to address challenges with basic education service delivery and student retention in targeted primary and junior secondary schools. In particular, the project aims to strengthen numeracy and literacy education at the primary level and mathematics and science education at the junior secondary level through in-service teacher training, better teacher support networks and supervision, supply of teaching and learning materials, and piloting of a new mathematics and science education model. The project targets the 300 poorest-performing primary schools<sup>44</sup> across all districts in Lesotho and 65 junior secondary schools in their catchment areas<sup>45</sup>. The project will be implemented from 2016 to 2021.

106. The Ministry of Education utilizes various forms of media such as radio, television and newspapers to disseminate information about the importance of educating a girl child



and boy child as they are disadvantaged especially in the remote mountain areas. Public gatherings are also used as the most convenient platforms where community members are actively engaged through direct dialogue and sensitized on the importance of affording both a girl child and boy child similar educational opportunities under the theme ‘Education for All’. This method is particularly employed in remote rural areas where other medium of communication such as radio, television and newspapers are scarce.<sup>46</sup>

107. There are ongoing sensitization campaigns aimed at encouraging both teachers and parents to allow pregnant girls to remain in class for as long as the condition of their pregnancy permits. This effort is often stifled by the fact that such girls drop out as a result of stigma and do not subsequently re-enroll due to parenting responsibilities. Socio-economic factors contribute significantly to the phenomenon of school drop-out, especially in relation to herd boys thus the adoption of informal education as already mentioned.

108. Human rights education is part of the school curriculum. The content of the curriculum includes topics such as HIV/AIDS prevention, gender equality, human rights, life skills, alcohol and substance abuse and sexual and SRH. The curriculum is offered from upper primary from grade 4 to grade 10. Further, human rights education is also offered as course at intuitions or higher leaning particularly the National University of Lesotho for law students.

109. As a means of taking appropriate measures to address the disadvantage situation of girls concerning access to education and addressing reports of sexual violence committed in schools, the Ministry of Education under Lesotho Education Quality for Equality Project is currently developing a School Related Gender Based Violence programme.

110. There is also in place as part of integrated curriculum comprehensive life skill education where learners are taught of their identity, sexuality and its incidental activities. Further, the UNFPA empowered Adolescents and Young People with knowledge and skills to improve their SRH status through a range of activities where the Comprehensive Sexuality Education (CSE) Manual for young people out of school was validated.

111. 33 Master trainers were capacitated on the delivery of the CSE and out of school young people, 160 Health Providers were trained on Adolescents and Youth Friendly Health Services, 247 teachers were trained on the delivery of the CSE in schools, 7500 adolescents and young people out of school were reached with the CSE, 6800 adolescents and young people were reached with SRH Services. A youth mobisite “tune me” providing information on Sexual and Reproductive Health and Rights was launched and has been viewed more than 6000 times.<sup>47</sup>

112. The Government is partnering with CSOs and independent women support groups to provide sanitary towels to young school girl. This is meant to curb the number of girls who miss school during their menstrual cycle; and they are taught of maintenance and management of hygiene including the disposal of the towels provided.

## Justice system

### J. Anti-corruption (Recommendations 113.38, 113.39, 113.40)

113. As a means of combating corruption, there is in place a National Anti-Corruption Strategy and Action Plan 2014/15-2018/19. This strategy is a multi-sectoral initiative involving the collective effort of the public sector, private sector and civil society through which each sector has a clearly defined role to play in fighting corruption over the next 5 years. There is also in place, the Prevention of Corruption Bill 2019. The Bill seeks to strengthen the legislative and institutional framework of the Directorate of Corruption and Economic Offences (DCEO) to the effect that the DCEO is elevated to the level of a Commission. It also focuses on the mandate of the 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 a Certificate of Approval.<sup>48</sup>

114. In order to continue to strengthen good governance and service delivery, the DCEO established: the Systems Integrity Committee that operates within the Government ministries to put in place measures to avoid breeding ground for corruption, Business Action Against Corruption; operates within businesses to ensure that businesses are aware of practices that may amount to corruption and the School's Integrity Association which operates in the schools. It educates students on the ills of corruption from an early age.<sup>49</sup>

115. In 2016, the Directorate implemented key priority areas of the National Anti-Corruption and Strategy and Action Plan (NACSAP) with the assistance of UNDP. This was done through a series of sectoral meetings before a multi-stakeholder meeting on corruption took place where concerted efforts and strategies to combat the endemic problem were agreed upon. The sectorial meetings were aimed at paving the way for the launching of the NACSAP which is expected to contribute to harnessing political will to fight Corruption at all levels of leadership in various sectors.<sup>50</sup>

116. The Directorate also received financial and technical support to hold an Anti-Corruption Symposium on Corruption in Procurement from UNDP in 2016. The Symposium was attended by over two hundred stakeholders from various sectors of society. In this event, a local drama group did theatrical performance on the dangers of corruption and how to report and combat it.<sup>51</sup>

117. In the past two years, the Government invested in strengthening the capacity of the DCEO in forensic investigation and information technology infrastructure as well as refurbishing the DCEO Offices. The Directorate stepped up its effort in the fight against corruption by engaging a multi-sectoral approach through the National Anti-Corruption Strategy and Action Plan.<sup>52</sup>

118. Asset forfeiture has been introduced as a strategy towards ensuring that crime does not pay. Arrangements are at an advanced stage for the declaration of assets by public officials. UNDP supported the study tour to the Ugandan Anti-Corruption Commission and also procured a server for the DCEO to use to store vital information for the Asset Declaration initiative once the Cabinet gives it the 'green light'. The visit to Uganda provided the DCEO officers with international exposure and best practice.<sup>53</sup>

119. Lesotho is a member of the Asset Recovery Inter-Agency Network for Southern Africa (ARINSA) established with the support of the UNODC.<sup>54</sup> With the assistance offered through ARINSA, Lesotho established an Asset Forfeiture Unit to deal specifically with related cases. Lesotho also established a Criminal Asset Recovery Fund.

## **K. Conditions of detention (Recommendations 113.77, 113.78, 113.79)**

120. The current prison population is as follows:

|           | 2017 | 2018 | 2019 |
|-----------|------|------|------|
| Males     | 2281 | 2195 | 2103 |
| Females   | 65   | 70   | 65   |
| Juveniles | 54   | 51   | 48   |

121. Lesotho accords special treatment to vulnerable groups in correctional centers. These groups include women, pregnant women and women with children. Children born in prison are allowed to stay with their mother until they are two years. The same condition applies to mothers who are detained before their children are two years of age.

122. There have also been established anti-retroviral centers with full time clinical staff. Inmates and staff also receive training on HIV/AIDS issues. Inmates also receive HIV testing and counseling services. Inmates living with HIV are put on ARV treatment.

123. The department developed educational programs, literacy and numeracy, formal and non-formal education including life skills. Recreational programs which include music, cultural dances, and drama and sport activities have also been introduced in detention facilities.

124. In order to address the challenge of overcrowding in detention facilities, there has been establishment of restorative justice system and diversion programmes for minor and non-violent offences. Courts also opt to impose non-custodial sentences including community service. Inmates who have been detained for a long time are also released on parole on account of good behavior.

125. There has been established within the Lesotho Correctional Service, the Legal and human rights unit which is tasked to train and empower both inmates and staff on human rights issues.

### **III. Implementation of noted recommendations (Recommendations 114.16, 114.18, 115.13, 115.14, 115.15)**

126. Lesotho has taken steps to repeal criminal defamation laws or insult laws which impede freedom of speech. The High Court sitting as the Constitutional Court on 21 May 2018 declared that criminal defamation is unconstitutional. The Constitutional Court held that criminalizing defamation had a dire effect on journalistic freedom of expression, resulting in self-censorship by journalists and consequently a less-informed public. These recommendations have been partially implemented.

127. In the 2019/2020 budget speech, the Government undertook to increase targeted HIV testing and services to key populations, which include, LGBTI community. LEA report assessed the extent at which LGBTI, sex workers and key populations are disproportionately affected by the HIV prevalence.<sup>55</sup> These recommendations have been partially implemented.

### **IV. New developments since the review**

128. The current Government came to power in June 2017, having experienced three national elections between 2012 and 2017. It was pointed out<sup>56</sup> that some of Lesotho's political and security problems were due to the country's constitution and constitutional reforms were encouraged. These reforms will include the Constitution, Parliament, security, judiciary sectors and the public service, which are key for Lesotho's long-term stability and economic transformation. Such reforms are under way as Lesotho aspires for peace and development.

129. Lesotho is committed to promoting the rule of law and providing access to justice for all. To this end, Lesotho has made significant strides towards addressing backlog of cases in the courts of law through the Integrated Case Management System which will enable Law Enforcement Agencies to acquire an automated case management. When fully implemented, the system will integrate the entire chain of work from investigation to incarceration.

### **V. Challenges**

130. Women and children experience gender based violence and human trafficking despite measures taken by the Government to eliminate GBV. Frequent transfers of trained CGPU officers compromise efforts by the Government, UN agencies and development partners to strengthen the capacity of the Unit in prevention of and response to gender-based violence and other offences.

131. Corruption continues to be a serious challenge to development not only in Lesotho, but globally as well. Despite notable steps undertaken by the Government, to improve and capacitated the work of the DCEO, corruption remains high.

132. Cultural practices and gender stereotypes hinder equal opportunities between men, women, boys and girls.

133. Lesotho continues to be beset by challenges and constraints including a decline in agricultural production as a result of deteriorating rangeland conditions, soil erosion and

periodic droughts. As a result, the country is experiencing worsening food deficit as a net food importing developing country thus contributing to widening poverty and food insecurity. Government is already undertaking measures to address these.

134. Public sector employment rose and employment in the private sector was reduced, contrary to the prediction that private sector employment would rise by 10, 000 jobs per year and public sector employment would come down. This resulted in high unemployment of youth reaching beyond 30 percent.<sup>57</sup>

135. The HIV pandemic is one of the major public health and development challenges in Lesotho. It has left most children as orphans and heads of households. It is one of the factors that have contributed to the slow economic growth and social progress in Lesotho as well as becoming the leading cause of morbidity and mortality in Lesotho. Although Government has undertaken steps to curb the pandemic, the challenge of reversing HIV and AIDS trends and patterns, getting zero HIV infections, zero discrimination and zero deaths remains.<sup>58</sup>

136. Lesotho remains a patriarchal society to date. Cultural stereotypes, societal attitudes, stigma and discrimination remain a challenge in women and girls access to health care services, especially contraceptive services among young girls and women living with disabilities and those living with HIV/AIDS. There are a limited number of health care providers in the rural areas; as a result, women and girls cannot acquire basic health care services such as obstetric care, pre/ante-natal care, and general primary health care services.

137. Notwithstanding the notable infrastructural improvements in a number of correctional institutions, overcrowding remains a challenge.

138. The Government is still lagging behind in its reporting and domestication obligations.

## **VI. Key national priorities, initiatives and commitments**

139. The Government remains committed to the establishment of the Human Rights Commission which is compliant with the Paris Principles.

140. The accomplishment of National Strategies such as the NSDP II, Vision 2020, SDGs and other national initiatives that address, amongst others, poverty, job creation, unemployment in order to improve the lives of the citizens remains the Government's priority.

141. The Government will address the current challenges in the health system that include maternal and infant mortality; HIV/AIDS; tuberculosis; non-communicable diseases (e.g. hypertension, cancer, diabetes, obesity, and substance abuse); limited access to essential medicines; and malnutrition.

142. The Government shall strive towards declaring zero tolerance to corruption so that Lesotho's economy thrives.

143. The Government remains committed to the process of maintaining the prerequisites of democracy, rule of law and good governance as it embarks on national reforms.

144. As a result of changing climatic conditions, poor land usage and urbanization, the Government will continue to implement strategies and methods such as crop production, soil evaluation and improvement, wool harvesting as well as subsidizing all agricultural and mechanical implement, rehabilitate irrigation schemes, undertake feasibility studies for commercial beef production in order to improve agriculture.<sup>59</sup> The Government will invest in commercial farming and will support formalization of land titles.<sup>60</sup>

145. Lesotho will strive to create job opportunities for her citizenry through financing of construction of 2 industrial estates which are likely to create 23,000 jobs in the medium term (3–5 years) and close to 50,000 jobs in the long term (6–10 years).<sup>61</sup>

146. The Government will continue promoting investment in the tourism sector through the establishment of a tourism development fund.<sup>62</sup>

147. As a result of paucity of rains, early frost and dry seasons which threaten accessibility to safe drinking water and sanitation, the Government will continue to support the construction of several and bigger water reservoirs and develop effective land and water resources management.

### Notes

- <sup>1</sup> <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>.
- <sup>2</sup> Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT), Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- <sup>3</sup> Mid-term report, p 4.
- <sup>4</sup> As above, p 4.
- <sup>5</sup> Mid-term report, p 4.
- <sup>6</sup> As above, p 4.
- <sup>7</sup> Agreement on PREGA.
- <sup>8</sup> Mid-term report, p 4.
- <sup>9</sup> Section 36, CPWA.
- <sup>10</sup> A/HRC/42/47/Add.1.
- <sup>11</sup> CIV/APN/442/16.
- <sup>12</sup> C OF A (CIV) 29/2013.
- <sup>13</sup> DPE and TRC v The Speaker of the National Assembly and Others CC 2016.
- <sup>14</sup> Mid-term report, p 13.
- <sup>15</sup> Mid-term report, p 13.
- <sup>16</sup> As above, p 13.
- <sup>17</sup> CAB/DEC/39/2019.
- <sup>18</sup> Lesotho Voluntary National Review on the Implementation of The Agenda 2030 Report 2019, p 2.
- <sup>19</sup> As above, p 149.
- <sup>20</sup> Lesotho Voluntary National Review on the Implementation of the Agenda 2030 Report 2019, p 22.
- <sup>21</sup> National Resilience Strategic Framework 2017-2030 (Executive Summary).
- <sup>22</sup> National Climate Change Policy 2017, p 7.
- <sup>23</sup> Lesotho Voluntary National Review on the Implementation of The Agenda 2030 Report 2019, p 7.
- <sup>24</sup> As above, p 35.
- <sup>25</sup> Food and Nutrition Strategy and Action Plan 2019-2023, p 1.
- <sup>26</sup> As above, p 9.
- <sup>27</sup> Lesotho Zero Hunger Strategic Review 2018 Executive Summary.
- <sup>28</sup> NSDP II, p 115.
- <sup>29</sup> Mid-term report, p 6.
- <sup>30</sup> Mid-term report, p 7.
- <sup>31</sup> Mid-term report, p 8.
- <sup>32</sup> As above, p 6.
- <sup>33</sup> As above, p 7.
- <sup>34</sup> As above, p 7.
- <sup>35</sup> Mid-term report, p 8.
- <sup>36</sup> Report of Lesotho Government Beijing +25 Review Report, p 44.
- <sup>37</sup> Lesotho Demographic survey 2009 shows that 18.8% were married before 18 whereas Violence Against Children Survey 2019 shows that 11.0% were married before 18.
- <sup>38</sup> Section 36.
- <sup>39</sup> Equivalent to 2 USD.
- <sup>40</sup> 2018/2019 budget speech, p 20.
- <sup>41</sup> Lesotho National Federation for the Disabled.
- <sup>42</sup> Mid-term report, p 16.
- <sup>43</sup> 2019/2020 budget speech, p 13.
- <sup>44</sup> A set of five objective, transparent criteria were used to determine the poorest-performing primary schools: dropout rate, percentage of repeaters, PSLE success rate, cost unit, and poverty index.
- <sup>45</sup> Junior secondary schools that serve primary schools in a given area.
- <sup>46</sup> Mid-term report. p 19.
- <sup>47</sup> Mid-term report, p 21.
- <sup>48</sup> As above, p 24.
- <sup>49</sup> As above, p 24.

<sup>50</sup> As above, p 24.

<sup>51</sup> Mid-term report, p 23.

<sup>52</sup> As above, p 23.

<sup>53</sup> As above, p 24.

<sup>54</sup> ARINSA is a multi-agency, informal network of practitioners between participating countries for exchanging of information, model legislation and country laws in asset forfeiture, confiscation and money laundering.

<sup>55</sup> Report on Assessment of the Legal Environment for HIV and AIDS in Lesotho 2016, p 60.

<sup>56</sup> Justice Phumaphi Inquiry report.

<sup>57</sup> Report on the Review of NSDP and scoping of NSDP 2 2017.

<sup>58</sup> Report on Assessment of the legal environment for HIV and AIDS in Lesotho, UNDP Lesotho 2016.

<sup>59</sup> Report on the Review of NSDP and scoping of NSDP!! 2017.

<sup>60</sup> Budget speech 2019/2020, p 7.

<sup>61</sup> As above, p 6.

<sup>62</sup> As above, p 10.

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