



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Combined fifth to seventh periodic reports submitted by  
Lesotho under article 18 of the Convention, due in 2015\***

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\* The present document is being issued without formal editing.



## Acronyms

BOS	Bureau of Statistics
CEDAW	Convention on Elimination of all forms Discrimination against Women
CGPU	Children and Gender Protection Unit
CHAL	Christian Health Association of Lesotho
CHE	Council on Higher Education
CSE	Comprehensive Sexuality Education
CSOs	Civil Society Organisations
DC	Democratic Congress
DCPT	District Child Protection Team
DDPR	Directorate of Dispute Prevention And Resolution
FIDA	Federation of Women Lawyers Lesotho
GBV	Gender-Based Violence
GNI	Gross National Income
GNP	Gross National Product
IEC	Independent Electoral Commission
LAA	Land Administration Authority
LSBE	Life Skill Based Education
LCMPA	Legal Capacity of Married Persons Act
LCD	Lesotho Congress for Democracy
LCE	Lesotho College of Education
LDHS	Lesotho Demographic Health Survey
LDS	Lesotho Demographic Survey
LEAP	Lesotho Enterprise Assistance Programme
LMPS	Lesotho Mounted Police Services
LNFOOD	Lesotho National Federation of Organisation Of the Disabled
LUCT	Limkokwing University of Creative Technology
MCA	Millennium Challenge Account
MDGs	Millennium Development Goals
MGYSACSD	Ministry of Gender and Youth, Sports, Arts, Culture and Social development
MMPR	Mixed Members Proportional Representation
MNO	Mobile Network Operator
NAC	National AIDS Commission
NMRIF	National Mechanism for Reporting, Implementation and Follow-Up
NRA	National Reform Authority

NUL	National University of Lesotho
PMTCT	Prevention from Mother To Child Treatment
PTC	Police Training College
SDGs	Sustainable Development Goals
SMMEs	Small Medium and Micro Enterprises
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
USD	United States Dollar
VMMC	Voluntary Male Medical Circumcision
WLSA	Women and Law Southern Africa

## I. Introduction

1. This is the fifth to seventh report submitted by Lesotho and it covers the period from 2015 to 2023. The report highlights the strides the country has made as well as challenges that still lie ahead in advancing gender equality, such as women's economic empowerment, women's political empowerment particularly in Local Government.

## II. Report Preparation

2. The Ministry of Gender, Youth, Sports, Arts and Social Development prepared this report in collaboration with the Ministry of Justice, Law and Parliamentary Affairs in line with Reporting Guidelines and the Concluding Observations of the Committee which were issued in October 2011. This report provides an update on the steps taken to implement CEDAW as well as the recommendations.

3. Government Ministries and Civil Society Organisations were consulted to solicit their comments and inputs during the preparation of this report with the support from UN Women South Africa Office and Office of the High Commissioner for Human Rights Lesotho. The two offices further supported several stakeholder workshops on CEDAW reporting: September, 2021, August, 2022 being the most recent. Scheduled one on one consultation meetings were held with stakeholders and later, a validation workshop was held to have further inputs on the report. The report was then presented to Principal Secretaries for review before it was presented to cabinet.

## III. Major changes in policy or law and achievements impacting CEDAW provisions

### Legal Environment/Amendments

4. *Anti-Trafficking in Persons Amendment Act 2021* amended the definition of trafficking to criminalize all forms of trafficking and removed the option of a fine for all trafficking offences. *Children's Protection and Welfare Amendment Act 2023* criminalises child marriage and sets penalties for violation of children's rights under part III of the Principal Act.

5. *Human Rights Commission Act 2016* provides for the establishment of the Human Rights Commission whose mandate is amongst others; to investigate complaints of violations and abuses of human rights and make binding decisions. Promote, protect, monitor and sustain human rights in accordance with the constitution and other laws of Lesotho and regional and international human rights instruments to which Lesotho is party to. *Witness Protection Act 2020* the act makes provision for the establishment of a witness protection program to enhance protection of witnesses.

6. *Disability Equity Act 2021* ensures accessible and merit based employment for people with disabilities and mandates employers to make the workplace conducive for persons with disabilities. *Domestic Violence Act 2022* provides for protection of rights of victims and prevention of domestic violence and related matters. It applies to people living in a domestic relationship whether married, in a dating relationship, or members of a family. It abolishes abusive practices such as child marriage, levirate and sororate marriages, sex between parents and children. *Harmonisation of the Rights of Customary Widows with the Legal Capacity of Married Persons Act 2022*,

removes all legal restrictions imposed on women regarding full exercise of their economic rights in harmonisation with the Legal Capacity of Married Persons Act (2006) despite their marriage regime.

## **Policies**

7. The Gender and Development Policy 2018-2030 seeks to mainstream gender equality and empowerment of women into policies, programmes, plans and budgets of all sectors. The National Strategic Development Plan 2018-2023 (NSDP II) contains specific provisions to consider the impact of public policies on women and men and it sets out strategic targets for women's participation in government programmes across all line ministries. National Mechanism for Reporting, Implementation and Follow-Up (NMRIF) which is inter-ministerial, was established through a cabinet decision in 2021 to coordinate the compilation, implementation and follow-up of all human rights state party reports as well as to engage with international and regional human rights mechanisms. Since its establishment, NMRF members have been capacitated through workshops with the support from the OHCHR and Commonwealth Secretariat in 2022 and 2023 respectively.

## **IV. Key challenges**

8. Prior to establishment of NMRIF, there were challenges with coordination of data collection and tracking of implementation of treaties recommendations and monitoring of progress. High level of turn-over of staff in line-ministries and change of government administration hampered coordination and compilation of state party reports. To address this, Principal Secretaries and directors were trained on the work and mandate of the NMRIF and further lobbying with them is anticipated in the new Government.

### **Covid 19 pandemic**

9. The Government declared a national emergency in March 2020 which was followed by compulsory lockdown for all non-essential services. The pandemic had devastating impact on the country that is already battling with economic meltdown, poverty, vulnerabilities resulting in violence and crime. Lockdown measures affected food security as consumer price increase on food commodities made the situation worse. The performance of the textile industries, which employs mostly women, was disrupted and jobs were lost. There was a nation wide school closure that affected learners resulting in school dropouts and child marriages. Domestic violence escalated, rates of murder went up including cases of femicide.

10. In March 2020, the Ministry of Finance enforced capital budget cuts on 2020/2021 financial year on first quarter warrant release to Line Ministries towards Corona virus response. Line Ministries were further instructed to identify the impact and propose costed solutions to mitigate the impact of the Covid 19 pandemic. The United Nations in Lesotho also repurposed an estimated \$9 million from UNDAF to Covid 19 response.

## **V. Progress in Implementing 2011 Concluding Observations to the 1st, 2nd, 3<sup>rd</sup> and 4<sup>th</sup> Periodic Report**

### **Follow-up information relating to paragraph 6 of the concluding observations (CEDAW/C/LSO/CO/1-4)**

11. Concluding Observations were shared and discussed with various stakeholders: Line Ministries, Academia, Civil Society Organisations, and in 2022 members of the NMRIF. Ministry of Gender had concluding observation action areas in their workplans including in their districts. Campaigns were held to reach out the public, radio programmes were held and trainings for community leaders conducted to create awareness on the concluding observations.

### **Parliament**

#### **Follow-up information relating to paragraph 7 of the concluding observations**

12. Concluding observations were disseminated to the Senate (upper House of parliament) and provisions relating to domestication of the convention were discussed. The discussions also touched on the reservation to article 2 relating to succession to the throne and chieftainship.

### **Visibility of the Convention and its Optional Protocol**

#### **Follow-up information relating to paragraph 8 of the concluding observations**

13. There is general awareness on the Human Rights Treaties that Lesotho is a state party to, to various sectors which includes Judiciary, Prosecution, Law Enforcement Agencies. As a result, we have seen the High Court applying the CEDAW provisions in its decision in the case of Senate Masupha v Magistrate Berea and others which is now before the African Commission on Human and Peoples' and in the case of Molefi Tsepe v IEC.

#### **Follow-up information relating to paragraph 9 of the concluding observations**

14. Refer to para 6.

### **Legal Status of the Convention**

#### **Follow-up information relating to paragraph 10 of the concluding observations**

15. Even though the treaties are not self-executing, there are various laws that domesticate the provisions of the treaties including CEDAW. For example, Legal Capacity of Married Persons Act 2022, Harmonisation of the Customary Widows Rights with Legal capacity of Married Persons Act 2022, Counter Domestic Violence Act 2022, Land Act 2010, Education Act 2010 etc..

#### **Follow-up information relating to paragraph 11 of the concluding observations**

16. Refer to response to para 10 above.

## **Definition of equality and non-discrimination**

### **Follow-up information relating to paragraph 12 of the concluding observations**

17. In as much as we do not have specific anti discrimination law, the Legal Capacity of Married Persons Act (LCMPA) 2006 and the Harmonisation of the Rights of Customary Widows with LCMPA Act 2022 has abolished discrimination that existed in marriage, divorce and devolution of property. Further engagements are still ongoing to remove discrimination on other aspects.

### **Follow-up information relating to paragraph 13 of the concluding observations**

18. Reference is made to para 17 above. In addition, constitutional amendment is still ongoing through the Omnibus Bill 2023.

## **Reservations**

### **Follow-up information relating to paragraph 14 of the concluding observations**

19. The issue of succession to the throne and chieftainship touches on the culture and tradition of Basotho and thus Government has to tread carefully in such matters and has to be guided by the electorate it represents. Consultations on the matter need to be embarked on.

### **Follow-up information relating to paragraph 15 of the concluding observations**

20. Refer to para 19 above.

## **National machinery for advancement of women**

### **Follow-up information relating to paragraphs 16 and 17 of the concluding observations**

21. MGYSACSD conducts awareness and educational campaigns on its mandate through various media spots and the department of Gender has been decentralized to districts. The Ministry further disseminates the Gender and Development Policy 2018-2030 to Line ministries and other stakeholders for its implementation and mainstreaming. Challenge is 20 percent allocated budget over the years to the National Machinery for advancement of women which in this current financial year (2023/2024) has declined to 7 percent. UNDP supported a gender audit study in 2022 to assess the extent to which gender equality and women's empowerment has been institutionalised in the public sector as per the commitments and priorities of the Gender and Development Policy (2018-2030). The study assessed the legal environment, the staff capacities and the programmes and partnerships in four piloted ministries: Finance, Development Planning, Public Service and Gender. The study made recommendations on identified gaps with regards to legal frameworks, gender equality financing, gender mainstreaming and programming.

## **Temporary Special measures**

### **Follow-up information relating to paragraphs 18 and 19 of the concluding observations**

22. As a special measure, the Government passed the Local Government Amendment Act 2011 which provides a thirty percent quota of women in local government elections thereby seeking to increase women's participation and

representation in community/urban councils. Continuous awareness and outreach programmes are held to sensitise political parties on the importance of improving women's participation and adhering to the zebra listing as it ensures women's representation in the national assembly and decision making positions. As a result, in the 2022 general elections, there were three women led political parties as opposed to one in 2017; and overall 30 women representation which is 25% as compared to 23% in 2017 but a milestone as figures of women were declining for past three elections.

## **Stereotypes and Harmful practices**

### **Follow-up information relating to paragraphs 20 and 21 of the concluding observations**

23. The above mentioned Harmonisation of the Rights of Customary Widows with LCMPS Act 2022 addresses the patriarchal attitudes and stereotypes that discriminate against women. There is continuing awareness raising, advocacy and educational campaigns in collaboration with CSOs, Religious Leaders, Traditional leaders and other stakeholders to address the issues. These are done through different media spots and closed target groups forums. The impact has been that different groups are now able to hold their own closed forums on the issues to decide on appropriate measures to be taken.

## **Violence Against Women**

### **Follow-up information relating to paragraphs 22 and 23 of the concluding observations**

24. The government has passed the Counter Domestic Violence Act 2022 which criminalises domestic violence and gives protection to all victims of domestic violence. The Act has been translated into the local language for easier dissemination. Plans with the support of UNFPA are underway for implementation of the Act. These are going to include training for Judges, Prosecutors, Police, Media and all other stakeholders on the application of the law.

25. The Lapeng Care Centre provides psychosocial support to victims of violence. With the support of development Partners and the Private sector, the centre now provides day and night services for victims and has been decentralised to the northern region. With further support, decentralisation will continue to other parts of the country. The challenge is that the centres can only accommodate women and girls.

### **Number of GBV Cases Recorded from 2017-2023**

<i>Year</i>	<i>Number Of Cases Of Women And Children</i>	<i>Status Of GBV Cases</i>
2016/2017	63	46 cases were reunited with families, 11 prosecuted and 6 cases were referred
2017/2018	42	29 cases were reunited with families, 4 were placed at various shelters, 7 were prosecuted and 3 were referred
2018/2019	67	37 cases were reunited with families, 21 were referred and 9 were prosecuted



<i>Year</i>	<i>Number Of Cases Of Women And Children</i>	<i>Status Of GBV Cases</i>
2019/2020	72	50 cases were reunited with families, 22 referred
2020/2021	88	53 cases were reunited with families, 21 were referred, 12 prosecuted and 2 were placed at schools
2021/2022	56	41 cases were reunited with their families, 13 were referred and 2 prosecuted
2022/2023	147	80 cases were reunited with families, 6 placed at school, 31 were prosecuted, 13 were referred, 1 prosecuted and sentenced and 16 still being dealt with

Source: Lapeng Care Centre

## Trafficking and exploitation of prostitution

### Follow-up information relating to paragraphs 24 and 25 of the concluding observations

26. To address the issue of trafficking of women and sexual exploitation, in 2011 the government amended the Constitution by inserting Article 31A which focuses on the “protection of victims of crime”. According to this amendment, the state shall adopt policies designed to make provision for victims of crime support services including mechanisms to ensure compensation for victims of crime, and assist vulnerable groups of victims. As the victims of crime and vulnerable groups are mostly women and girls, this Article provides additional protection and support to women and girls who are victims of trafficking in persons.

27. Anti-Trafficking in Persons (Amendment) Act, 2021 Section 2 provides that “exploitation” includes exploitation of prostitution or other forms of sexual exploitation, forced labour or service, slavery, servitude or the removal of organs. In 2022 the government prosecuted 16 trafficking cases, which included six forced labour and 10 sex trafficking. In 2021 there were 24 trafficking victims; 10 were labour trafficking victims and 14 sex trafficking victims. Awareness raising campaigns are continuing with support from international organisations and the Ministry of Home Affairs in collaboration with other Line Ministries continues to conduct cross border crime prevention forums to sensitise border communities about trafficking in persons and has placed trained officials at borders to assist in identifying trafficking victims. Information education materials continue to be printed and disseminated. Campaigns continue to run nation wide and NGOs conduct awareness campaigns for Basotho in diaspora. LMPS and MGYSACSD carry out public gatherings in communities, schools and do media programmes on human trafficking prevention and trainings were done for immigration staff on identification and referral of victims.

28. Government has a bilateral agreement with South Africa to control movement between the two countries. The following efforts are at an advanced stage: long term work permits that will ensure no illegal migrant workers, signed employment contracts, allow crossing the borders with identity cards, development crime prevention community crossing strategies. Beautiful Dreams Society accommodates women victims of trafficking. The shelter offers psychological support and care which includes counselling, legal, health, referral services and mediation.

## Nationality

### **Follow-up information relating to paragraphs 26 and 27 of the concluding observations**

29. Home Affairs has Immigration and Citizenship Bill, 2019 which will allow dual citizenship for every citizen including women and children. The services of the National Identity and Civil Registry Department have been decentralised to enable women to easily access national identity cards and passports. This effort has helped women to easily access services that need the production of identity documents.

## Education

### **Follow-up information relating to paragraphs 28 and 29 of the concluding observations**

30. The Ministry of Education and Training has developed, piloted and recently rolled out in primary schools and secondary schools Life Skills Based Sexuality Education (LSBE), a local curriculum based on the Comprehensive Sexuality Education (CSE). LBSE's content encapsulates amongst others, topics on elimination of traditional stereotypes pertaining to sexuality, man/womanhood and other stereotypes. Awareness on sexual abuse and harassment is also central in LSBE. Learners in grade 4 to grade 7 in primary schools as well as those in grade 8 to 10 in secondary schools receive tuition on LBSE.

31. A Higher Education Fair where post secondary school learners in grade 11 and 12 are provided guidance on what career path options are at their disposal in line with their various attributes is held annually. At basic education level the ministry in collaboration with other stakeholders in education hold an annual basic Career Guidance Expo where career guidance is provided as well. In the above platforms the importance of education is always buttressed. In 2022, the Ministry also Launched Education Plus Initiative as one of the major learner support systems intended to also include government and the community as whole to eradicate gender inequality in education and to create a safe learning environment for children, especially the girl child.

## Employment

### **Follow-up information relating to paragraphs 30 and 31 of the concluding observations**

33. Lesotho has a legally mandated paid maternity leave for public and private sector employees. Labour Code Order of 1992 prohibits discrimination at work place. Section 5(3) provides that men and women shall receive equal remuneration for work of equal value. Government has further reviewed the Labour code Order 1992 to align it with the ILO Conventions. There is no regulatory framework for social security benefits for women working in the informal sector as yet. Lesotho does not have any temporary special measures for achieving defacto equal opportunities for men and women in the labour market.

## Health

### Follow-up information relating to paragraphs 32 and 33 of the concluding observations

33. The Ministry of Gender and Youth, Sports and Recreation through the assistance of United Nations Population Fund revitalised Youth Resource Centres in ten districts by engaging Youth Leaders who educate youth about sexual and reproductive health rights, as well as HIV/AIDS. Also, the Ministry of Health is continuing with adolescent corners where adolescent girls and boys get education on sexual and reproductive health issues. Radiation Protection Act 2018 was passed to enable access to cancer treatment and the government further established dialysis centre at Motebang hospital in 2017 and in the same year, a cancer screening and prevention facility, Senkatana, was launched.

34. Since opening of Queen 'Mamohato Hospital in 2015 improvement in delivery care and maternal mortality ratio declined from to 679 in 2005 to 544 in 2017 (World Bank 2021). Infant mortality ratio has also declined:

- 2020 it was 57.39 deaths per 1000 live births, 3.74 decline from 2019;
- 2021 was 55.183 deaths per 1000 live births, 4.09% decline from 2020;
- 2022 was 52.826 deaths per 1000 live births, decline from 2021;
- 2023 is 50.470 deaths per 1000 live births, 4.46% decline from 2022.

35. In order to guarantee physical accessibility of health care services including sexual and reproductive health services for impoverished women and those living in rural areas, the government has developed community based centres in mountainous and hard to reach places. These efforts are supplemented by the Christian Health Association of Lesotho (CHAL) and NGOs who also provide hospital and clinic-based Health services in remote rural areas and women access these services. In places where there are no community centres, the government provides roving mobile clinics. The Government also has a programme called 'flying doctors' whereupon doctors are dispatched to community centres in the rural areas to offer health care services. This arrangement is made for those community centres which do not have doctors.

## HIV/AIDS

### Follow-up information relating to paragraphs 34 and 35 of the concluding observations

36. Lesotho's national AIDS strategy contains a specific youth component as part of its behaviour change strategy. This has led to a variety of HIV awareness campaigns aimed at 15-24 year olds across the country. For example, the Kick 4 Life campaign, which uses football to bring HIV prevention messages to young people, had enabled more than 100,000 participants to access health education and life skills activities and connected 25,000 young people to HIV testing. Other initiatives include:

- Antiretroviral treatment (ART) coverage has been increasing in recent years, and in 2016 53% of adults were accessing treatment. In June 2016, Lesotho became the first African country to implement a 'Test and Treat' strategy. This means every person who tests HIV positive is offered ART. ART coverage for children had also improved and stood at 56%. In 2020, UN programme to achieve 90-90-90 targets among adults living with HIV achieved 90.1% of adults who were aware of their HIV status: 91.4% women and 88.1%, 96.9%

were on on ART: 97.5% women and 95.8% men. 91.5% had viral load suppression 92.2% women and 90.2% men;

- Lesotho has made enormous progress in the fight against HIV/AIDS, it has passed the UNAIDS 90-90-90 target and has exceeded the 2nd and 3rd targets achieving 90-97-92. These findings position the country well toward achieving 95-95-95 targets by 2025.

37. According to the UNAIDS Spectrum estimates, Lesotho has reached epidemic control – the point at which new HIV infections fall below the number of deaths among persons with HIV. While we celebrate this achievement, we recognize the negative impact COVID-19 has had on the HIV response in Lesotho over the past two years.

## **Rural Women**

### **Follow-up information relating to paragraphs 36 and 37 of the concluding observations**

38. **Refer to response to para 12.** In addition refer to para 35 on health issues for rural women and girls. Further, the Ministry of Local Government and Chieftainship Affairs developed National Decentralization Policy which guides on the decentralisation of services, including healthcare services and access to roads for easier transportation. Over and above this, the Government provides potable water and sanitation services in rural areas through the Rural Water Supply. The rural areas are increasingly receiving electricity through the rural electrification project, for which the tariff is much less for rural areas, this has enabled rural women to benefit in their start-up income-generating projects requiring electricity to take off.

## **Marriage and family relations**

### **Follow-up information relating to paragraphs 28 and 39 of the concluding observations**

39. **Refer to response to para 12.** In addition, the Ministry of Gender, Youth, Sports Arts, Culture and Social Development has promulgated legislation that protects the property rights of widows under customary law and hence the passing of the Harmonisation of the Rights of Customary Widows with the LCMP Act, 2022. The provisions herein makes economic abuse an offence and ensures the elimination of economic vulnerability of married and widowed women within domestic settings.

## **National Human Rights Institutions**

### **Follow-up information relating to paragraphs 40 and 41 of the concluding observations**

40. In 2011, the sixth amendment of the constitution established the Human Rights Commission. The enabling legislation, the Human Rights Commission Act, was passed in 2016. However, it was challenged in court by Civil Society Organizations for not being fully Paris Principles compliant. As a result an out of court settlement was reached that it be amended. The Government has since been working towards that to ensure it will get an 'A status' once operational. The 11<sup>th</sup> amendment to the Constitution (Omnibus Bill) entrenches this Institution and the Government is committed to it being set up and operational.

## **Beijing Platform For Action**

### **Follow-up information relating to paragraph 42 of the concluding observations**

41. Lesotho compiled Beijing + 25 Review Report in 2020 and provided progress made on twelve critical areas of the Plan for Action. The plan has been domesticated by incorporating its thematic areas into the Gender and Development Policy 2018-2030. The policy is aligned to international as well as regional instruments including Beijing Declaration and Plan of Action, CEDAW, African Charter on Human and People's Rights on the rights of Women, AU Solemn Declaration on Gender Equality in Africa.

## **Millennium Development Goals**

### **Follow-up information relating to paragraph 43 of the concluding observations**

42. Lesotho has shown commitment to implementation of the MDGs targets and eventually the SDGs. In 2020, Lesotho underwent its 3<sup>rd</sup> cycle Universal Periodic Review (UPR). During the review, recommendations relating to enhancing women's rights, emphasising the need for more engagement on SDG 5 (gender equality); SDG 1 (no poverty); SDG 3 (good health and well-being); SDG 4 (quality education); and SDG 8 (decent work and economic growth) were made. Moreover, in 2019 and 2022 Lesotho compiled report on Voluntary National Review on Implementation of SDGs and achievements made on the set targets.

### **Follow-up information relating to paragraph 44 of the concluding observations**

43. Refer to response to para 6.

## **Ratification of other Treaties**

### **Follow-up information relating to paragraph 45 of the concluding observations**

44. Lesotho has ratified all nine core human rights treaties and the two optional protocols to the Convention on the Rights of the Child. Lesotho ratified the Convention on the Protection of all Persons from Enforced Disappearance on the 6<sup>th</sup> December 2013 as the ninth core human rights treaty.

## **Technical assistance**

### **Follow-up information relating to paragraph 46 of the concluding observations**

45. The government has been receiving technical assistance from the UN Office of the High Commissioner for Human Rights as well as other UN agencies including UN Women, UNFPA and UNDP. This partnership has resulted in the establishment of an inter-ministerial National Mechanism for Reporting, Implementation and Follow-up (NMRIF) which will ease the treaty reporting obligations. The Commonwealth Secretariat has also given technical support especially with regards to state party reporting.

## **Follow-up to concluding observations**

### **Follow-up information relating to paragraph 47 of the concluding observations**

46. In 2013, Lesotho submitted a follow-up report as well as in 2015. This 5<sup>th</sup> State Party report therefore provides progress made from 2012 to date. Refer to response to para 13 and 39. In addition in September 2021, with support from the Office of the High Commissioner for Human Rights, a stakeholders' workshop on follow-up to Universal Periodic Review and Treaty Body Recommendations was held. An action plan has been developed with clear targets and timelines to follow up on recommendations including for CEDAW.

## **VI. Implementation of obligations under the Convention**

### **Part I**

#### **Articles 1-5**

##### **Article 1-3**

##### **Definition of discrimination against women**

47. The definition of "discrimination" under the Constitution has not changed since the last reporting period.

48. The definition does not include the exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Nonetheless, Lesotho has adopted this constitutional definition for defining discrimination against women.

49. The rationale behind Lesotho's reservation with regard to Article 2 of the Convention is based on Basotho customary law as it relates to succession to the throne and chieftainship. This provision has not been amended as yet and there need for consultations which should also involve the public.

50. Since last report in 2011, the position of women has been progressively improving. Government has made efforts to adapt its national policy framework in line with the CEDAW, SDGs, the Beijing Declaration and Platform for Action and the recommendations accepted under the 3rd cycle UPR. There has been an increasing number of women holding key decision making positions as women are represented in all aspects of social, political and cultural life and have gradually gained emancipation from male's authority. While the interventions have contributed to significant progress towards the achievement of gender equality and women's empowerment, the rights of women are still violated and women still face labels of inferiority and cultural stigmatisation.

##### **Legislative Framework**

51. In 2019, Lesotho enacted the National Reforms Authority Act<sup>1</sup> which established the National Reforms Authority (NRA) to spearhead constitutional and legislative reforms, including for laws that strengthen the protection of rights of women.<sup>2</sup>

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<sup>1</sup> <https://www.gov.ls/senate-passes-national-reforms-authority-bill/>.

<sup>2</sup> <http://www.lcn.org.ls/Resource/MSND%20Plenary%20II%20Report.pdf>.

52. Chapter II Article 4 of the Constitution of Lesotho, fundamental human rights and freedoms are guaranteed to everyone regardless of their race, colour, sex, language, national or social origin, property, birth, or other status including the right to freedom from discrimination. The rights of women as human rights are therefore also guaranteed under this section.

53. Article 18 (2) of the Constitution provides that “no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of functions of any public office or public authority.

54. Chapter III of the Constitution details principles of State policy that can be utilised to remedy the challenges identified above. Article 30 (a) (i) provides that women in particular, be “guaranteed conditions of work, including pension or retirement benefits, not inferior to those of men, with equal pay for equal work”. Article 30 (e) also offers “the protection of women who are in employment during a reasonable period before and after childbirth”.

55. Article 18 (4) (1) of the Constitution prohibits discrimination of any kind and unfair treatment. However, Article 18 (4) (c) provides some exceptions to the principle of non-discrimination in respect to the application of Customary Law. This article of the Constitution was challenged in court in the case of *Senate Gabasheane Masupha v Senior Resident Magistrate of the Subordinate Court of Berea and Others* where the appellant was challenging the Chieftainship Act provision preventing female offsprings from inheriting chieftainships and therefore unconstitutional.<sup>3</sup> Although the application was unsuccessful, the case was proof that some Basotho women are aware of their rights in line with the Convention, thereby addressing a concern raised by the Committee in paragraph 8 of the Concluding Observations. The case is before the African Commission and this means an Optional Protocol has been invoked.

56. In 2018 a national women’s conference was held to create a platform for women and gain a common understanding also to share key national political, democratic and governance issues from a gender perspective in the context of the reforms. During the National Dialogue of 2018, consultations with women were undertaken in different districts on issues that women would like to be part of the constitutional reforms process.

57. Lesotho has a number of laws that provide against discrimination of women, they include but not limited to:

- Labour Code Order 1992 Section 5(1);
- The Legal Capacity of Married Persons Act (2006);
- The National Identity Cards (Amendment) Act, (2011);
- The Land Act (2010), in section 6 (1) (b) (i) gives title to land to any person who is not less than 18 years except in a case where such is married.;
- The Labour Code Wages (Amendment) Act 2012.

58. Lesotho is currently codifying its inheritance laws to have equal application in terms of distribution of resources or property for both men and women and to avoid discrimination that has been faced by women.

<sup>3</sup> Senate Gabasheane Masupha v Senior Resident Magistrate of the Subordinate Court of Berea (Mr. Kolobe) and Others (Constitutional Case No.5/2010) [2013] LSHC 9 (03 May 2013).

**Policy measures**

59. In November 2020, the Government launched its Gender and Development Policy, 2018-2030 to update and replace the Gender and Development Policy of 2003. The policy aims at eliminating all forms of discrimination against women and will assist in the adoption of a standard definition of discrimination against women at the administrative level. The policy has set constitutional and legal rights of women as a priority area in order to eliminate all forms of discrimination against Basotho women.

60. The Ministry of Gender and Youth, Sports and Recreation in collaboration with the civil society has simplified, translated and disseminated the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The Ministry has also conducted CEDAW sensitisation campaigns in the districts where at least three campaigns per district are held each year in order to raise awareness about the convention. The sensitisation on CEDAW activities responds to paragraph 9 of the Concluding Observations. The civil society raised awareness on the CEDAW Concluding Observations and sought public opinions on its domestication.

**Enforcement and monitoring measures***Civil society cooperation*

61. There are a number of civil society organisations (CSOs) in Lesotho working towards achieving the goal of gender equality and some organisations mainly focus on promoting women's rights. Each of these organisations run programmes individually and as consortia, during key events such as International Women's Day, the African Women's Month, International Men's Day and 16 Days of Activism against Gender Based Violence. Some of their programmes focus on inheritance rights, women's rights awareness, providing specific health services to women, prevention of GBV, Men-Engage, information dissemination and awareness raising campaigns, as well as research on pertinent issues affecting women and girls in Lesotho.

62. Civil Society Organisations like Women and Law in Southern Africa (WLSA), Habitat for Humanity, Lesotho and Federation of Women Lawyers (FIDA) have been advocating for the registration of wills and help the public to write wills. Civil society has also been active in lobbying for policy and legislation amendments. LNFOD developed Gender Equality Policy (2015) which is key to eliminating barriers to gender equality within the organisation's operations. Nevertheless, CSOs are inadequately funded, human resourced, capacitated and represented at grassroots level.

63. The yet to be operational Human Rights Commission is mandated with the duty to protect, prevent, investigate and institute legal proceedings in order to have reparations where necessary, and capacitate and train the general public. The institution will therefore have the duty to ensure that where there are violations of the rights of women that due diligence is followed to attain justice.

**Article 4****Temporary special measures***Legislative Enforcement*

64. The Local Government Amendment Act (2011) provides for the allocation of one-third of the seats in the municipal, urban and community councils to women. The act provides for gender equality in politics by increasing women's participation and representation in community/urban councils.



65. The National Assembly Electoral Act (2011) provides for a system that aims at promoting women in the legislature. From the 2022 general elections women constitute 27% in the National Assembly, which is a slight increase from the 23% in 2017 elections. Also 3 women led political parties contested in the same 2022 elections.

*Enforcement and monitoring measures*

66. Lesotho Independent Electoral Commission Gender Policy stipulates that political parties with a greater percentage of women representation will get more funding. This is one of many attempts Lesotho is engaging in to achieve ‘critical mass’ to boost women participation and representation.

67. However, due to the low and declined representation of women in political leadership roles, this means the number of women to contribute in national peacebuilding dialogues and initiatives could potentially be low. The Omnibus Bill, 2022 amongst others intends to ensure peace and security during and post elections, as it proposes a restructuring in the number of parliamentary seats elected through proportional representation.

## **Article 5**

### **Sex role stereotyping and prejudice**

*Legislative Framework*

68. The Government has passed the Counter Domestic Violence Act 2022 which is comprehensive in matters relating to domestic violence as it includes even in the dating relationship set-up.

69. In the same bracket there is the existence of misogynistic beliefs that propel violence against women. The Act provides for protection of the rights of victims and prevention of domestic violence and related matters. The Act criminalises all forms of abuse and imposes imprisonment and or a fine as punishment.

70. Additionally, the Act makes reference to technology facilitated gender-based violence. This is in recognition that violence against women has progressed into the digital space. This is the first step to combating acts such as non-consensual disclosure of intimate images of women online, cyberbullying and hate speech on internet platforms. The Government has reviewed Gender and Development Policy (2003) to align it with the prevailing situation<sup>4</sup> and in 2015, the Lesotho National Federation of Organisations of the Disabled (LNFOD) developed a Gender Equality Policy (2015).

*Enforcement and monitoring measures*

71. The Act provides for the implementation of a family court to handle cases arising out of family disputes and also hear cases of domestic violence. It also provides for the establishment of restorative justice councils where proceedings will be guided by village chiefs. Shelters for victims are also established as well as rehabilitation centres for perpetrators of domestic violence.

72. Government has organised capacity building workshops and training for police, prosecutors and judicial officers to sensitise them on the law. Government has enhanced data collection tools in key service points such as health centres and police stations to document cases of domestic violence.

<sup>4</sup> [http://educationforsustainabledevelopment.org/papers/paper\\_85.doc](http://educationforsustainabledevelopment.org/papers/paper_85.doc).

73. There is also the social construct and belief in gender roles which influence the role and responsibility of child bearing and rearing to be that of women with little to no support from their male counterparts. Health clinics at community levels, such as filter clinics and district hospitals, as part of the pre-natal care program encourage men with pregnant partners to participate in the sessions of pre-natal and post-natal care. The intention in this regard is to include men in the upbringing and development of their children, and additionally to create awareness that maternal care is a joint responsibility and a necessary social function for both men and women.

74. Furthermore, the Government through the Child and Gender Protection Unit, has established collaboration with South Africa through the Family Violence and Child Protection Department. The purpose of the collaboration is to share experiences on different cases of GBV.

75. In order to de-stigmatize victims of domestic violence and gender-based violence, the Ministry of Gender organised advocacy and community engagements on the importance of reporting abuse and violence in all its forms. Together with National University of Lesotho, campaigns like *#Believeher* have been celebrated and popularised. A toll free number was established for reporting of GBV cases. An information sharing centre was established where victims, and people in general can access information about GBV and gender related information. A digital platform in a form of smartphone application has been introduced and it is zero rated. On the Nokaneng app, people can access information on available services and ask gender-related questions. For those prospective clients without smartphones there is a provision which is zero rated which is an SMS-based solution.

76. To address this, the Government and civil society organisations jointly run campaigns on gender-based violence prevention and human rights. These campaigns target women and men, girls and boys. Though there is slow progress in attitudes change, there is an improved understanding of GBV and its impact. Different civil society organisations conduct studies on gender based violence which will inform the Government to design appropriate interventions in addressing GBV issues in Lesotho.

## **Article 6**

### **Trafficking in women and exploitation of prostitution**

#### *Legislative Framework*

77. Reference is made to paragraphs 26 – 28 above. Additionally, the government gazetted Anti-Trafficking in Persons Regulations, 2015 providing responsibilities of all stakeholders in trafficking issues.

78. The government simplified, translated and disseminated the Anti-Trafficking in Persons Act as part of awareness campaigns on human trafficking. Moreover, the Government in collaboration with civil society organisations have been holding continuous campaigns on human trafficking targeting women and girls in both rural and urban areas. The cross-border campaigns continue to be conducted both in Lesotho and in the Republic of South Africa at public gatherings and door-to-door sensitising communities about human trafficking and the Anti-Trafficking in Persons Act.

#### *Enforcement and monitoring measures*

79. In 2015, Lesotho and the Republic of South Africa held a joint symposium on labour exploitation and human trafficking in Free State Province where they jointly committed to cooperate on eradicating labour exploitation and human trafficking through joint awareness raising campaigns on human trafficking and HIV/AIDS.

80. To protect victims of trafficking who get sexually exploited, the Government in collaboration with the civil society organisations provide free contraceptives, training on reproductive health and rights education, HIV/AIDS, GBV to sex workers. Commercial sex workers are also assisted with small start-up funding for their own businesses to assist them quit commercial sex work.

81. The Government established the Trafficking in Persons Data Collection System which is a national database for trafficking in persons cases in Lesotho. The Ministry of Home Affairs has established a Multi-Sectoral Committee against trafficking, which amongst others assists in facilitating regularisation of victims of trafficking through the Department of Immigration.

82. The Ministry of Home Affairs facilitated training of trainers for Criminal Justice Practitioners which consisted of Prosecutors and members of the judiciary, immigration officials, Labour Inspectors, Police Officers (CGPU), Legal Officers and Refugees Office. However, more centres are needed for victims of trafficking as currently there is only one shelter in the Maseru District servicing the whole country.

83. Sex work has not been legalised yet in Lesotho, although there are no specific law that criminalise it. As a result, women within the profession face a number of challenges as the industry is unregulated and guaranteeing them safety from violence at work is a challenge. Additionally, their access to sexual and reproductive health rights service remains a challenge as they are sometimes met with fear of harassment or potential stigmatisation at some health facilities.

## Part II

### Article 7

#### Political and public life

##### *Legislative Framework*

84. The National Assembly has 120 seats. Its members are elected using the mixed member proportional system: 80 in single-member constituencies using the first-past-the-post system and 40 from 1 national constituency using Party-list proportional representation. Proportional representation seats are allocated to compensate parties for the discrepancy between percentage of votes obtained and percentage of constituency seats won. Section 47 (2: b & c) of the National Assembly Election Amendment Act of 2011, introduced the rule for the proportional contest whereby a political party shall 'arrange the candidates in order of preference from top to bottom, with a female or male candidate immediately followed by a candidate of the opposite sex; and include equal numbers of women and men'. The 2017 elections yielded 28 of 120 (23%) seats in the National Assembly for women.<sup>5</sup>

85. From the recent (2022) general elections which formed the 11<sup>th</sup> Parliament, representation of women is as follows: 32 in the National Assembly (27%, which is a slight increase compared to the past 2017 elections wherein it was 23%). In the Cabinet, it is 3 women out of the 15 members; there is first time woman Deputy Prime Minister (was also the first woman Chief Justice); Deputy Speaker of the National Assembly; President of the Senate for the second term; 1 out of 3 Commissioners for IEC; there are 7 female judges out of 15 in the High Court; and a female Ombudsman. There are no machineries for implementation of women's participation in politics.

86. Women enjoy the right to vote in a similar manner as men in Lesotho. Women are free to participate in political parties and to stand for elections. There is no set criteria or barriers for standing for elections that have the effect of discriminating

<sup>5</sup> <https://www.idea.int/data-tools/data/gender-quotas/country-view/174/35>.

against women. The government and civic education organisations sensitise and capacitate the public, inclusive of women at grassroots level, on the right to vote and the importance of participating in politics and standing for elections.

## **Article 8**

### **International representation and participation**

87. There is no legal or regulatory framework to implement and measure the equal participation and international representation of women. Women only consist of 20% of Lesotho's representation internationally. Lesotho has fifteen diplomatic missions and two consulates. Three of the fifteen missions are headed by women; which are Japan, Brussels and Germany. There is a need for policies for proportional representation of women in all embassies and missions.

## **Article 9**

### **Nationality**

#### *Legislative framework*

88. In 2018, the Constitution was amended<sup>6</sup> and Article 40 thereof provides that a person who marries a citizen of Lesotho shall after five years of cohabitation in Lesotho become a citizen upon application. Article 41 provides that a citizen of Lesotho may hold citizenship of any other country in addition to his citizenship of Lesotho. This amendment, besides providing for dual citizenship, also provides for the restoration of Lesotho citizenship, it uplifts the discriminatory provisions which were favouring foreign women married to Lesotho citizens over foreign men who marry Basotho women by providing for similar requirements for acquisition of Lesotho citizenship.

89. Under the National Identity Cards Act 2011, women have the right to apply for an identity card without their husbands' authorisation. Sections 13 and 14 stipulate that any citizen of Lesotho, who has attained the age of 16, is eligible to obtain an identity card.

#### *Enforcement and monitoring measures*

90. Lesotho established the Department of National Identity and Civil Registry in 2013 which deals with the registration of births, deaths and issuance of national identity cards. The issuance of birth certificates and national identity cards facilitates access to passports to the whole population, including women and girls in rural and remote areas.

91. The National Identity and Civil Registry Department extended its services to the Community Councils in 2015 to enable communities living in the remote areas to get birth certificates and national identity cards within their reach. The Government and civil society organisations have also conducted advocacy activities for equal and just citizenship acquisition through forums such as public gatherings, meetings and workshops.

92. However, the registry has not yet made policies in recognition for gender markers to include other gender. As a result, Non-cis women such as transgender women are not affirmed in their identity documents. The gender assigned at birth is the recognized and used in the document. This has an adverse impact on Non-cis women and intersex individual who identify as women.

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<sup>6</sup> The Eighth Amendment to the Constitution Act, 2018.

## Part III

### Article 10 Education

#### *Legal Framework*

93. Section 41(a) of Basic Education Act 2010 as amended in 2021, provides that out of three members of Teaching Service Commission nominated and appointed by the Minister, at least two of such shall be women. The Children's Protection and Welfare Act 2011 provides that a child has a right to access education and no child shall be denied the right to education by any educational institute on grounds of pregnancy or cultural rituals. The effect of this law was to outlaw the practice of expelling pregnant girls from schools and denying children from initiation schools access to education.

94. Lesotho has the high literacy rate among girls and women as the recent statistics show that 95% of women are literate, compared to 83% of men. Since the last report to the Committee, the government increased the number of secondary schools whose school fees are regulated by the government with the effect that these schools charge lower fees thus facilitating access to education.

#### *Enforcement and monitoring measures*

95. In 2013, the Government through the Ministry of Education and Training instigated the operation of Council on Higher Education and developed Council on Higher Education Policy aimed at improving access to higher education by widening access to and participation in higher education. Some of the objectives of the policy are to ensure that each and every Mosotho, regardless of his or her economic circumstances or other characteristics, has an equal chance to participate and succeed in higher education and to ensure that mechanisms to provide financial assistance from the State to higher education students are equitable and transparent.

96. In 2014, the Council for Higher Education introduced a career expo to high school leavers with an intention to provide career counselling and information on all registered institutes of higher education. The initiative is done with the intention to introduce programmes of higher learning institutions to students. However, post enrolment into higher education institutions the issue of dropping out of academics is one of concern. With regard to women students, the four most prominent reasons for leaving school are to seek employment, pregnancy, lack of funds and marriage.<sup>7</sup> Currently, school policies apply in instances where students are pregnant. Such policies are limited and schools are required nonetheless to let such students sit for external examinations.

97. In 2018, the Lesotho Bureau of Statistics published the 2016 Education Statistics report with data disaggregated by sex, location, age, and school type. However, the report did not reflect enrolment with regard to institutes of higher learning. The report mainly focused on lower levels and highlighted findings on vocational and training institutions.

98. To minimise violence against girls including sexual violence and child marriage, District Child Protection Teams were established in 2015 to sensitise communities on children's rights, including right to education. The government and civil society organisations routinely conduct school visits to undertake assessments.

<sup>7</sup> 2016 Education Statistics Report. 56.

99. The Government provides bursary schemes for vulnerable and orphaned children in secondary and high schools through the Ministry of Education and Training and the National Manpower Development secretariat. The provision of bursary schemes is not governed by any gender policy and does not give preference to any sex; every child who meets application requirements qualifies for a bursary.

100. The table below present the higher learning institutions and their 2019/2020 enrolment figures disaggregated by gender. It shows that Lesotho has attained high enrolment rates for females.

<i>Institution</i>	<i>Female</i>	<i>Male</i>
National Health Training Centre (NHTC)	261	124
Botho University	729	692
Lesotho College of Education (LCE)	2030	741
Maluti Adventist College (MAC)	177	67
Paray School of Nursing (PSN)	110	29
Roma College of Nursing (RCN)	106	25
National University of Lesotho (NUL)	6069	3596
Scott Hospital School of Nursing (SHSN)	153	30
Institute of Development Management (IDM)	260	99
Limkokwing University of Creative Technology (LUCT)	2452	1541
Lesotho Agricultural College (LAC)	263	286
Centre for Accounting Studies (CAS)	686	407
Lerotholi Polytechnic (LP)	1285	1202
Lesotho Institute of Public Administration and Management (LIPAM)	233	82
Lesotho Boston Health Alliance (LeBOHA)	7	7

*Enrolment by institution for 2019/20<sup>8</sup>*

<i>Grade</i>	<i>Female</i>	<i>Male</i>
Grade 1	25581	29748
Grade 2	22783	24459
Grade 3	22375	24782
Grade 4	22911	24863
Grade 5	23521	23979
Grade 6	22398	21530
Grade 7	21720	19125

*Enrolment in registered primary schools by grade and sex, 2019<sup>9</sup>*

<i>Form</i>	<i>Female</i>	<i>Male</i>
Form A	22984	19955
Form B	20382	14939
Form C	13470	9585
Form D	11480	7890

<sup>8</sup> Council on Higher Education (office of the Principal Researcher).

<sup>9</sup> Ministry of Education and Training, Office of the Chief Statistician.

<i>Form</i>	<i>Female</i>	<i>Male</i>
Form E	8345	6054

*Enrolment in registered Secondary Schools by Form and Sex, 2019<sup>10</sup>*

## **Article 11**

### **Equal right to employment**

#### *Legislative Framework*

101. The Labour Code Order of 1992 prohibits discrimination at workplace in that section 5 (3) thereof provides that men and women shall receive equal remuneration for work of equal value. Currently the Government of Lesotho through the Ministry of Labour has reviewed the Labour Code Order of 1992 to be consistent with the fundamental Conventions of the International Labour Organization (ILO).

102. The Labour Code Wages (Amendment) Act 2014 provides for paid maternity leave for workers in the clothing, textile and leather manufacturing sectors. The new mother can be given a nursing hour until the baby is six months old. However, there are still no laws on paternity leave.

103. Although the Labour Code Wages (Amendment) Act 2018 provides for specific minimum wage at equal level for workers in the clothing and textile sector, this provision does not cover informal sectors such as street vendors and herd boys.

104. Lesotho does not have specific policies that strengthen gender responsive active labour market policies. However, the government through the Ministry of Education and Training has introduced programmes which put into consideration the labour market demands which include awareness raising and training capacity programmes for employers and employees. Sexual harassment is prohibited under section 200 of the Labour Code Order, 1992 and the country has ratified ILO Convention 190 which provides that Member States shall put in place inclusive, integrated gender-responsive approaches to prevent and eliminate violence and harassment at work and ensure equality and non-discrimination.

105. The Government and the private sector are engaged in employment creation by conducting entrepreneurial and vocational skills training and where women are direct beneficiaries. The number of women in paid employment outside the agricultural sector is high and above target.<sup>11</sup> Although in general, paid employment is dominated by women, managerial positions are held by men. For instance, in the textile and clothing industry which is the largest employer with 75.6% of workers being women, managerial positions are held predominantly by male employees with 52.5%, despite the overall high percentage of females.<sup>12</sup>

106. In 2018 two workshops were held where the inspectors were trained to consider gender mainstreaming/integrating gender in their work. The Ministry also holds awareness raising campaigns for employees to educate them on issues of sexual harassment in the workplace. The Ministry further introduced a Decent Work Country Program of 2012-2017.

#### *Enforcement and monitoring measures*

107. In 2018 the high court had to adjudicate on whether a decision to discharge pregnant soldiers from the army falls within the purview of the Commander's power

<sup>10</sup> Ministry of Education and Training – office of the Chief Statistician.

<sup>11</sup> Lesotho's Millennium Development Goals Status Report, 2015.

<sup>12</sup> Lesotho Bureau of Statistical Report No. 02 of 2018.

to discharge a soldier if it is in the best interests of the Lesotho Defence Force.<sup>13</sup> Court ruled that pregnancy is not a prescribed ground for discharge and as a result it was ordered that such female LDF employees be reinstated without loss of their benefits.

## Article 12

### Healthcare and HIV/AIDS

#### *Legislative framework*

108. Section 27 of the Constitution provides for Lesotho to adopt policies aimed at ensuring the highest attainable standard of physical and mental health for its citizens, including women. Most Basotho women still rely heavily on health services that are provided by the State. This is evidenced by the low percentage of private medical scheme coverage and the numbers that are using private health facilities.

109. Legal provisions on free and informed medical consent are not widely known despite publicly displayed hospital policies to that effect. As a result, individuals take medical advice and recommendations as mandatory regardless of how they violate their rights.

110. To further address the health needs of women and to protect their sexual and reproductive health and rights, Lesotho adheres and has developed policies and adopted a number of international and regional instruments aimed at improving the health of women.<sup>14</sup>

111. Teenage mothers are more likely to experience adverse pregnancy outcomes and are more constrained in their ability to pursue educational opportunities than young women who delay childbearing. Lesotho has strengthened adolescent health programs aimed at educating young girls and boys about reproductive health issues and integration of Comprehensive Sexuality Education in the school curriculum.

#### *Enforcement and monitoring measures*

112. The Ministry of Health and CSOs are engaged in community outreach via community health workers to address health issues at the community level because women and girls are able to access health services easily. Furthermore, they are training community health workers intensively in order to capacitate them to offer basic healthcare services competently.

113. The government through the education sector provides sexuality education which is age-appropriate and culturally relevant. The LBSE curriculum is anchored in policy and strategic documents such as Education Sector Plan 2016-2026, Lesotho Education Sector HIV and AIDS Policy 2012, School Health and Nutrition Policy 2018 and Curriculum and Assessment Policy 2009.

114. The Government and civil society promote male involvement in antenatal care and PMTCT in order to increase male involvement in reproductive health issues. This effort brings the man as a partner into the equation, thereby making him actively support the spouse in antenatal and post-natal care. The burden of HIV among

<sup>13</sup> *Mokhele and Others v Commander, Lesotho Defence Force and Others*.

<sup>14</sup> These include the International Conference on Population Development Plan of Action; Sustainable Development Goals; The Roadmap for Accelerating Reduction of Maternal and Newborn Morbidity and Mortality in Lesotho (2007-2015); National Health Strategic Plan 2013 – 2017; National Health Sector Policy 2011; Primary Health Care Revitalisation Action Plan (2011 – 2017) (2017-2022); National Adolescent Health Policy 2006; National Sexual and Reproductive Health Strategic Plan 2015-2020; National family Planning Guidelines 2012 and Planned Parenthood Association Strategic Plan 2010-2014.



pregnant women in Lesotho is among the highest globally, with a 27% HIV prevalence rate among women attending Ante Natal Clinic (ANC).

115. The Prevention of Mother to Child Transmission (PMTCT) strategy is to eliminate new paediatric HIV infections and improve maternal, newborn and child health and survival in the context of HIV. Routine viral load monitoring for all pregnant and lactating mothers and children was adopted as a standard of care in 2016. The quality of PMTCT service delivery has continued to maintain high uptake of services within health facilities, with over 95% of pregnant women knowing their HIV status at their first ANC visit and 93% of the identified HIV-positive pregnant women receiving ARVs to prevent mother-to-child transmission (PMTCT guidelines 2016).

116. According to Lesotho Demographic Health Survey (2014), among sexually active unmarried women, 73% are currently using a contraceptive method; 72% are using a modern method. In contrast to married women, the most preferred method among sexually active unmarried women is the male condom (45 %). A comparison of results from the 2004, 2009, and 2014 LDHS reveals that the Contraceptive Prevalence Rate (CPR) among married women in Lesotho has steadily increased: from 37% in 2004 to 47 % in 2009 and 60 % in 2014. Similarly, the CPR among sexually active unmarried women has steadily risen from 48 % in 2004 to 58 % in 2009 and 73 % in 2014.

117. However, abortion has not been legalised in Lesotho. Abortion is only permissible within the first trimester only under circumstances such as rape or where the life of the mother is threatened by the pregnancy. Such termination can only be accessed on medical advice or court order. This is a challenge with regard to a woman's right to choose and plan her family and future.

118. To ensure that women in rural and remote areas do not face barriers in accessing family-planning information and services the Government and civil society organisations are ensuring availability of contraceptives by entrusting village health workers with the responsibility of distributing some contraceptives in the villages and availing others in the public places.

119. In addition, the government developed the Roadmap for Accelerated Reduction of Maternal Health and Newborn Morbidity and Mortality in Lesotho with the support from the UN. The framework is designed to address identified challenges in the promotion of maternal health by accelerating the operationalisation of different initiatives. There are mobile clinics available within the factories to ease access to health services of factory workers as mostly are women.

120. Government and civil society organisations have joined efforts in awareness-raising campaigns on HIV/AIDS. For instance, in every event an organisation is urged to talk about HIV/AIDS issues as well as having testing stations.

121. In 2012, the government launched Voluntary Male Medical Circumcision (VMMC) programme with a goal of rapidly scaling up VMMC in order to reach 80% coverage by 2017. This programme is intended to reduce spread of HIV/AIDS among men while simultaneously reducing cervical cancer and HIV infections in women.

122. Through the assistance of development partners, Lesotho has adopted the Gender Assessment Tool of the national response to HIV and TB which led to the pilot exercise that took place from February to April 2015. The intention of the assessment was to provide health planners, and decision-makers with reflections on the extent to which HIV and TB responses are gender-responsive and transformative, as well as to recommend interventions to strengthen them.

123. In 2015 the Government of Lesotho revived the office of the National Aids Commission in 2015 and in 2016 launched the Lesotho Population Based HIV Impact Assessment Survey (LePHIA) project whose goal was to examine the distribution of HIV (prevalence, incidences and viral load suppression), assess the coverage and impact of HIV prevention, care and treatment at the population level and measure HIV-related risk behaviours.

124. In 2018, as a measure to counter the high HIV/AIDS prevalence the use of Pre-Exposure Prophylaxis (PrEP) was introduced to be used by people who are at high risk of contracting HIV. Since PrEP is a community-based intervention, it is positioned to overcome many barriers that AGYW normally face in accessing HIV/SRHR/GBV services at health facilities. In addition, PrEP program is collaborating with other organisations that offer family planning/contraception services to ease referrals if there is a need.

125. Cancer is another health concern for the health rights of Basotho women. In July 2018, the 12th Stop Cervical, Breast and Prostate Cancers in Africa Conference and Exhibition (SCCA) was held in Lesotho and as a way of marking that important event Lesotho's first-ever cervical cancer screening and prevention facility was launched. The facility offers comprehensive gynaecological services such as cervical cancer screenings, diagnoses, pre-cancer treatment services, and referrals to facilities for cancer treatment. The country collaborates with other countries that have already made impressive strides in this field such as India to provide treatment to Basotho cancer patients at the Apollo Hospital in India.

126. The immunisation of girls against Human Papilloma Virus (HPV) is viewed as the most cost-effective method of managing the occurrence of cervical cancer, and Lesotho has implemented a number of vaccination campaigns in recent years.

### **Article 13**

#### **Economic and social life – equal right to family benefits, financial credit and participation in recreational activities**

##### *Legislative framework*

127. Article 34 of the Constitution of Lesotho provides for enjoyment of economic and social rights and requires that Lesotho adopts policies which encourage its citizens to acquire property including land, houses, tools and equipment and take such other economic measures as it considers affordable. Article 35 (1) provides that Lesotho shall endeavour to ensure that every citizen has an opportunity to freely participate in the cultural life of the community and to share in the benefits of scientific advancement and its application. However, most women do not have opportunities to actively engage in economic and social activities due to structural barriers.

128. The Companies' Amendment Act (2011) repealed the Companies Act to allow women to be directors of companies and set up their own companies. It further grants women opportunities for collateral to obtain loans or credit from commercial institutions and empower them to own and manage their companies/enterprises. However, in practice most women do not have capital or credit worthiness to start their own businesses. Even though LCMPA has abolished the minority status of married women, they continue to suffer prejudices with regards to access to resources and credit.

##### *Enforcement and Monitoring measures*

129. Women can now hold title to land, if unmarried, they can do so on their own without the assistance of any male relative as it used to be the case before 2006, and

if married, their right to hold land under joint titling pursuant to section 10 of the Land Act 2010 is now firmly entrenched. However, in practice at financial institutions, such as banks, credit is granted if signed for by both spouses in some instances including even when the joint estate is not subject to collateral.

130. The Ministry of Small Business Development, Cooperatives and Marketing developed Micro, Small and Medium Enterprises Policy (2016) which guides on the access to credit by the owners of SMMEs, who are mostly women. This is an initiative to create an economically enabling environment for women in small and medium businesses.

131. The Government has further put in place Gender and Economic programs targeting inter alia, commercial banks and financial institutions with sensitization and awareness trainings and dialogues on the rights of married women on the provisions of LCMPSA, 2006 and Land Act 2010, so that women can access credit and use land as collateral pursuant to these legislations where necessary.

#### **Article 14**

#### **Rural Women: adequate living conditions, participation in development planning, access to healthcare and education**

##### *Legislative framework*

132. There is no specific provision on protection of the rights of rural women in the Constitution. However, these rights are provided for under Chapter III of the Constitution as principles of state policies, therefore not justiciable. Further, rural women are hard hit by provisions of Section 18 (4) (c) which permits discrimination in as far as customary law is applicable as most of them are governed by customary law principles, especially on issues of inheritance.

##### *Enforcement and monitoring measures*

133. The Department of Local Government and Chieftainship Affairs holds a Service Day in the community councils where all service providers in the district gather in one community council and render their services. However, the Government and CSOs engage in programmes that enhance rural women's participation in community projects through trainings on entrepreneurship skills and registration of their societies so that they can apply for credit from financial institutions.

134. In enhancing access to health, Lesotho Defence Force has a campaign on provision of comprehensive healthcare services in rural and remote areas where most of the beneficiaries are women and girls and the campaign is rotated within the ten districts of Lesotho. Moreover, the Government continues to provide improved infrastructures in the healthcare centres in the rural and remote areas with support from development partners.

135. The Government is engaged in electrification of rural areas as part of developing infrastructure to ease rural communities' lives, particularly women and girls. Electrification is done concurrently with the provision of clean water and sanitation services. In addition, the Government constructs roads in the rural and remote areas. There is also a need to undertake campaigns on educating rural women on the benefits of electricity.

136. The Government and CSOs provide entrepreneurship and vocational skills development training for rural women to enhance their economic participation. Furthermore, the Government and CSOs provide some rural communities with greenhouses and agricultural implements to facilitate the establishment of income-generating projects. The Department of Social Development and CSOs provide

training on issues of elderly persons who are mostly women, in the rural areas, as well as forming social clubs and support them at community level.

137. CSOs and the Government worked on the project of assisting rural communities encouraging them to write 'Wills' and register other deeds with relevant institutions (e.g. Master of the High Court, and Land Administration Authority). This is with a view to help rural women and girls exercise their right to property. CSOs also conduct community parliament in selected rural communities where community members speak out their needs, expectations and grievances in efforts to promote participatory governance.

138. Land compensation and resettlement from large scale extraction projects is a challenge facing women in rural areas. The compensation given does not fully give social security to those whose land has been expropriated and their beneficiaries. The compensation is not equal to the benefits the land would have been to the resettled families and generation which would have inherited.

## **Part IV**

### **Article 15**

#### **Equality before the law – right to enter into contracts, own property and choose a place of residence**

##### *Legal framework*

139. The Constitution of Lesotho guarantees equal rights between women and men. Section 19 of the Constitution provides for equality before the law and equal protection by the law. However, the right to equality is restricted by section 18 (4) (c) which permits discrimination where customary law is applicable.

140. In addition, the LCMPA removes legal minority status of women married under both customary and civil law, however, old attitudes still prevail and as such most women continue to experience challenges when trying to access credit from banks or other financial institutions as required. Land Act 2010 section 10 gives women married in community of property the right to have joint titling with their husbands.

##### *Enforcement and monitoring measures*

141. The CSOs have supported Government establish Centres of Excellence at community councils' and they have developed gender mainstreaming action plans and keep records based on sex disaggregated data in relation to land allocation. The Government and the civil society have also translated and simplified laws, policies as well as CEDAW and disseminated them to enhance human rights and gender equality advocacy programs in the country.

### **Article 16**

#### **Marriage and family: equal rights in matters related to marriage and family relations**

##### *Legal Frameworks*

142. Article 4 (1) (g) and Article 11 of the Constitution provide for the right to respect private and family life. Article 19 of the Constitution emphasises the principle of equality of both men and women before the law and in all areas of life including marriage. The fundamental human rights and freedoms are applicable to all and do not discriminate on the basis of marital status. Article 40 provides that any woman who is or has been married to a Lesotho citizen shall become a citizen of Lesotho only after applying for citizenship.

143. Section 7 of the Lesotho Citizenship Order 1971 denotes that a Non-Mosotho woman married to a citizen of Lesotho shall apply for citizenship and upon taking oath of allegiance shall be granted citizenship of Lesotho.

144. Civil marriages are governed by the Marriage Act 1974 and Laws of *Lerotholi*. There is need for a law that harmonises Marriage Act with provisions of CPWA 2011 which provides that a child is anyone below the age of eighteen years. Section 3 of the Marriage Act 1974 provides that no person may be compelled to enter into a contract of marriage with any other person or marry against his or her wish. Customary law does not set minimum age for marriage.

145. The legal age for marriage is twenty-one (21) years; however, boys under the age of eighteen (18) and girls under the age of sixteen (16) can get married with the written consent of the Minister responsible, if she/he considers such a marriage to be desirable and in the interest of the parties concerned. This also requires the consent of both parents of the minors. Nonetheless, the Children Protection and Welfare Act 2011 has elevated the marriage age to 18 and therefore nullifies any exceptional circumstances of marriage for girls under the age of 18.

146. Section 25 further provides that no marriage officer shall solemnise a marriage between parties of whom one or both are minors unless the consent of the parents or parties which is legally required for the purpose of contracting the marriage has been granted and furnished to him/her in writing. Civil marriage can take place in and out of community of property.

147. Marriage out of community of property can be effected by both parties entering into an ante-nuptial contract at the inception of the marriage. This allows the wife to own separate property and to manage and administer it herself. The spouses remain under a reciprocal duty to support and maintain each other.

148. Lesotho established the Land Administration Authority (LAA) for efficient land administration, registration, cadre, mapping and surveying and matters incidental thereto e.g. issuance of leases (for couples married in community of property, both their names must appear on the lease). LAA has also assisted in effectively implementing provisions of the LCMPA and the Land Act 2010 which give women the right to hold title to land without the need to inherit it.

#### *Enforcement and monitoring measures*

##### **Issuance of leases by sex**

<i>Year</i>	<i>Females</i>	<i>Males</i>	<i>Joint</i>	<i>Total</i>
2012	1010	629	1929	3568
2013	14419	5813	21415	41647
2014	3207	1485	5278	9970
2015	1050	658	1897	3605
2016	979	615	1567	3161

*Source:* Land Administration Authority 2012

149. The high number of women who register land can be attributed to the Land Administration Reform project that gave birth to the Systematic Land Regularisation project that was piloted in 2011 and 2012. Furthermore, this is attributed to intensified advocacy and awareness campaigns that popularised provisions LCMPA – 2006 and the Land Act -2010 carried out by the Ministry of Gender, Youth, Sports, Arts, Culture and Social Development and CSOs.

150. It should be noted that the high number of women who hold title to land are either those who are single, divorced or widowed and live-in urban areas. This is because the leasing process has not yet expanded to rural communities and therefore the old practice still prevails where most land titles remain in the name of the man.

151. The Land Act, 2010 section 73 establishes Land Courts to hear and determine disputes, actions and proceedings concerning land. This has been done to accelerate access to justice and promote protection of economic rights.

152. However, the challenge is that unlike civil marriages, customary marriages are not legally documented and as a result, women married under customary law face difficulties when trying to register for identity documents for either themselves or their children in instances where such marriages are dissolved or where relations with their spouses or their husbands' relatives have become hostile since they cannot prove legitimacy of their identity which would often be different from their maiden surnames.

153. The Ministry of Gender and Youth, Sports and Recreation conducted mobile campaigns, meetings, public gatherings and consultations in all the ten districts of Lesotho with the aim of gathering public opinion on their perception regarding unequal inheritance rights between women and men. Besides, inheritance was designated as the theme for the year 2014-2019 African women's month.

154. The office of the Master of High Court holds campaigns on 'Will Writing' with the aim of encouraging families to bequeath their estates to their children in an equitable manner and according to their own wishes. Awareness raising activities include but are not limited to community consultative meetings, public dialogues, forums and distribution of Information Education Communication (IEC) materials to members of the public. The office of the Master of High Court assists members of the public on procedures regarding Will writing processes.

155. The Government and civil society organisations are supporting women in the rural and urban areas to actively be engaged in income generating activities which will enhance their socio-economic status through training them on entrepreneurship and vocational skills. The Government and civil society organisations undertake awareness-raising campaigns on gender-based violence and its effects on women's economic justice impact. However, the country has not yet developed a national GBV database to assess its extent in preventing women's access to economic justice.

#### *Basotho customary marriages*

156. Customary marriage is regulated by Section 34 of the Laws of *Lerotholi* part II of which recognizes a Basotho customary marriage as long it has fulfilled requirements including agreement between parties to the marriage and agreement between parents or those representing parents. Laws of *Lerotholi* permits a man to marry more than one (1) wife.

#### *Polygamy*

157. To protect women's rights especially property rights, Government through the Ministry of Gender, Youth Sports, Arts, Culture and Social Development in collaboration with CSOs conduct public awareness campaigns against child marriage, educate members of the public on procedures to follow when marrying either under civil or customary laws. Although Laws of *Lerotholi* stipulates that where a man marries more than one wife, each wife should have her own house, in practice this does not happen, predisposing women to harassment and violence after the death of their husband.

*Equality between women and men in marriage and family relations*

158. Despite positive developments, discriminatory treatment for married women compared to married men still persists. The case court has had to adjudicate on a case<sup>15</sup> where the Applicant was claiming her right to retain her maiden home which had been inherited by her eldest brother, court declared that the practice of '*ho ngala*' - literally translated to mean '*to return and live-in natal home*' does not confer her a legal right because she was still married, she only had marital problems and hence, she should go back to her husband. The Appeal Court held that she was not entitled to live in her parents' immovable property. This case demonstrates discrimination against married women compared to married men as the latter can go back to stay in their natal homes.

*Gender-Based violence*

159. Despite the rampant cases of gender-based violence, the government working with civil society holds continuous campaigns against gender-based violence. The Counter Domestic Violence Act 2022 has been passed and translated to address cases of gender based violence.

160. To address GBV issues, the Government and civil society organisations train GBV survivors on entrepreneurship and vocational skills in an effort to enhance GBV survivors' confidence to participate in economic projects so as to reduce their economic dependence on men. CSOs and United Nations Office on Drugs and Crime (UNODC) conducted studies on GBV indicators and Situation assessment on GBV respectively in Lesotho with recommendations on programmatic and institutional interventions towards emancipating women's economic dependence.

**National human rights institutions**

161. The recommendation on the establishment of the Human Rights Commission in Lesotho was accepted. Lesotho is working tirelessly towards its operationalization and conform to the international human rights standards and be compliant with the Paris Principles. The 6<sup>th</sup> Amendment to the Constitution 2011 established the Commission. In 2016 the enabling legislation was passed, however the Civil Society organization went to court on the basis that the Act was not Paris Principles compliant. An out of court settlement was reached and the Government began to work on the amendment to both the Constitution and the enabling legislation. Currently Constitutional amendment regarding the Commission is entrenched in the Omnibus Bill 2022 and once it is passed, then the enabling legislation amendment will go in as well. At present the awareness campaigns in collaboration with civil society organizations and Development Partners have commenced where the public is made aware of the envisaged work of the Commission.

**Sustainable Development Goals**

162. In Lesotho, 16.4% of women aged 20–24 years old who were married or in a union before age 18. In 2018, 82.8% of women of reproductive age (15-49 years) had their need for family planning satisfied with modern methods. The adolescent birth rate is 90.8 per 1,000 women aged 15-19 as of 2017, down from 91 per 1,000 in 2016. As of February 2021, only 23.3% of seats in parliament were held by women. In 2018, 16.5% of women aged 15-49 years reported that they had been subject to physical and/or sexual violence by a current or former intimate partner in the previous 12

<sup>15</sup> *Ramatlapeng (nee Jessie) vs. Jessie C of A* (CIV) No. 15/2016; CIV/APN/31/2014.

months. Also, women and girls aged 15+ spend 15.6% of their time on unpaid care and domestic work, compared to 6.2% spent by men.<sup>16</sup>

163. As of December 2020, only 33.6% of indicators needed to monitor the SDGs from a gender perspective were available, with gaps in key areas, in particular: key labour market indicators, such as the unemployment rate and gender pay gaps. In addition, many areas – such as gender and poverty, physical and sexual harassment, women’s access to assets (including land), and gender and the environment – lack comparable methodologies for regular monitoring. Closing these gender data gaps is essential for achieving gender-related SDG commitments in Lesotho.<sup>17</sup>

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<sup>16</sup> <https://data.unwomen.org/country/lesotho>.

<sup>17</sup> Ibid.