



**International Human Rights
Instruments**

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of the reports of States parties**

Lesotho*

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* The present document is being issued without formal editing.



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Abbreviations

ACRWC	African Charter on the Rights and Welfare of the Child
ACHPR	African Charter on Human and People's Rights
AGOA	Africa Growth and Opportunities Act 2000
CAT	Convention against Torture and Other Cruel or Degrading Treatment or Punishment
CBR	Community Based Rehabilitation
CCJP	Catholic Commission on Justice and Peace
CDGG	Consolidation of Democracy and Good Governance
CED	Convention against Enforced Disappearances
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CERD	Convention on the Elimination of Racial Discrimination
CGPU	Child and Gender Protection Unit
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
CPWA	Children's Protection and Welfare Act 2011
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
DCEO	Directorate on Corruption and Economic Offences
DDPR	Directorate on Dispute Prevention and Resolution
DPE	Development for Peace Education
DRWS	Department of Rural Water Supply
GDP	Gross Domestic Product
HRC	Human Rights Commission
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information Communication Technology
IEC	Independent Electoral Commission
ILO	International Labour Organization
JSC	Judicial Service Commission
LCN	Lesotho Council of Non-Governmental Organizations
LDF	Lesotho Defense Force
LDS	Lesotho Demographic Survey
LEA	Legal Environment Assessment
LHDA	Lesotho Highlands Development Authority
LHWP	Lesotho Highlands Water Project
LMPS	Lesotho Mounted Police Service
LNFOOD	Lesotho National Federation of the Disabled

LOIPR	List of Issues Prior to Reporting
MDGs	Millennium Development Goals
MFA	Multi Fiber Agreement
MISA	Media Institute in Southern Africa
NAD	Norwegian Association of the Disabled
NGO	Non-Governmental Organization
NMRIF	National Mechanism on Reporting Implementation and Follow-up
NSDP II	National Strategic Development Plan II
OHCHR	Office of the High Commissioner for Human Rights
PCA	Police Complaints Authority
PHC	Population Housing Census
PREGA	Program on Renewal and Enhancing Governance Architecture
PROGRESS	Program on Reform of Governance Rights and Empowerment for Sustained Stability
PSC	Public Service Commission
SDG	Sustainable Development Goals
SOGIE	Sexual Orientation, Gender Identity and Expression
TRC	Transformation Resource Centre
UNDP	United Nations Development Programme
UNICEF	United Nations Children and Educational Fund
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
VNR	Voluntary National Report
VWHC	Village Water and Health Committees
WASA	Water and Sewage Authority
WEDGE	Women Entrepreneurship Development and Gender Equality
WLSA	Women and Law in Southern Africa – Lesotho
WDR	World Development Report

Introduction

1. Lesotho is pleased to present its Common Core Document prepared by the National Mechanism for Implementation, Reporting and Follow-up, based on the harmonised guidelines on reporting issued by the UN Office of the High Commissioner for Human Rights. The document, including statistical data, is based on the most up-to-date information as of August 2023. Only available data are reported in this document.
2. The Core Document should be read in conjunction with Lesotho's periodic reports under the relevant core international human rights instruments to which Lesotho is a party. These documents outline the legislative, judicial, administrative and other measures that implement Lesotho's international human rights treaty obligations.

I. General Information

A. Demographic, Economic, Social and Cultural Characteristics of the State

3. The Kingdom of Lesotho (formerly Basutoland) is completely surrounded by South Africa. Also known as the Mountain Kingdom or the Kingdom in the Sky, Lesotho constituted as a native state under British protection by a treaty signed with the native chief Moshoeshe 1 in 1843. It was annexed to Cape Colony in 1871, but in 1884 was restored to direct control by the Crown. When the Union of South Africa was formed in 1910, there were moves by the United Kingdom (UK) to include Lesotho, but on October 4, 1966, it declared independence from the UK. King Moshoeshe II was the constitutional monarch at the time of Lesotho's independence and was succeeded by his son, Letsie III, on February 7, 1996, who is the current king of Lesotho.

4. Lesotho is a landlocked and mountainous country in Southern Africa located within the Republic of South Africa (RSA) with an estimated 30,000 to 30,555 sq. km in land area. Its highest mountain peak is *Thabana – Ntlenyana*, estimated at 3,482 metres above sea level. This unique topography also makes Lesotho the only country in the world with no land falling below 1,400 metres of sea level (75% of the land). This makes Lesotho have the highest lowest point of any country in the world. The landmass is also showing serious erosion caused by chronic overgrazing and over-harvesting of natural plantations, which is estimated at 150% to 300%. The rural highlands have severe winter seasons, with heavy snowfalls, that often cut off the population in those areas from basic health services and food supplies. The arable land availability is limited to 5780 sq. km (about 359 persons per sq. km.).

5. The 2021 Lesotho Demographic Survey (LDS) provided a population estimate of 2,076,669, while the 2016 Population and Housing Census¹ (PHC) estimated 2,007,201. This population growth rate has not been as it was projected because of the prevalence of the HIV-AIDS pandemic. The population growth rate has decreased by the scourge of the HIV-AIDS pandemic, which has shown a steep increase. The HIV-AIDS prevalence rate for Lesotho is currently estimated at 22.7 per cent among the adult population and is higher among women at 27.4 per cent than men at 17.8 per cent. The annual HIV incidence among adults is 0.45 per cent. Increased economic migration of mostly the Basotho people to RSA in search of job opportunities has significantly affected the population census in Lesotho.

Key Indicator	Census/Survey Year			
	2006	2011	2016	2021
Total Population	1 876 633	1 894 194	2 007 201	2 076 669
Population growth rate (%)	0.08	-	0.67	0.68
% Population Urban	22.6	23.7	34.2	41.7

¹ 2016 PHC and 2021 LDS Reports, 2020 LePHIA Report.

Key Indicator	Census/Survey Year			
	2006	2011	2016	2021
% of Population < 15	34.1	33.7	31.7	30.4
% of Population 65+	5.7	6.1	6.1	6.4
Overall Sex ratio	94.7	97.3	95.8	94.8
Sex ratio at birth	102.4	105.1	101.4	101.1
Age dependency Ratio	66.2	66.1	60.9	58
Average Household size	4.4	4.2	3.7	3.6
Life Expectancy at Birth (Both sexes)	41.2	41.8	56	61.6
Life Expectancy at Birth - Males	39.7	39.4	51.7	57.9
Life Expectancy at Birth - Females	42.9	45.3	59.6	65.3
Total Fertility Rate (TFR)	3.5	3.4	3.23	2.26
Female headed Households	35.1	36.1	37	37.6
Infant Mortality Rates (IMR) Per 1,000 live births	94	94	53	41
Maternal Mortality Ratio (MMR) per 100,000 live births	936	1143	618	540
Adult Mortality (12 months prior to the survey)	-	-	-	18,086
Literacy rate	60	87.5	97.3	96.9
Urban Migrants	22.6	23.7	34.2	41.7
Rural Migrants	77.4	76.3	65.8	58.3
Number of Orphans	221,403	223,916	210,712	153,209
Disability status	-	2.6	2.5	2.8

Source: 2001, 2011, 2021 Lesotho Demographic Survey (LDS) and 2006, 2016 Population and Housing Census (PHC).

Population Distribution by Age Group and Sex:

6. The table below presents the population pyramid of Lesotho for the 2016 PHC. It shows that the base is broad and narrows towards the top, with 31.8 per cent of the population aged below 15 years and 6.1 per cent in the age group 65 years and above, suggesting a typical young population structure. A comparison of this population pyramid with the pyramid derived from the LDS 2011 indicates that there has been very little change in the age and sex composition of Lesotho since the 2011 LDS. In 2011, 33.7 per cent of the population was aged below 15 years, while the population aged 65 years and above constituted 6.1 per cent.

Population Distribution by Age Group and Sex

Age group	Male	Female	Total
	1 010 397	1 066 272	2 076 669
00–04	96 202	94 495	190 697
05–09	106 958	104 180	211 138
10–14	115 201	111 815	227 016
15–19	110 872	109 209	220 081
20–24	98 651	101 436	200 087
25–29	89 997	92 774	182 771
30–34	83 124	83 866	166 990
35–39	72 307	71 781	144 088
40–44	59 443	55 784	115 227

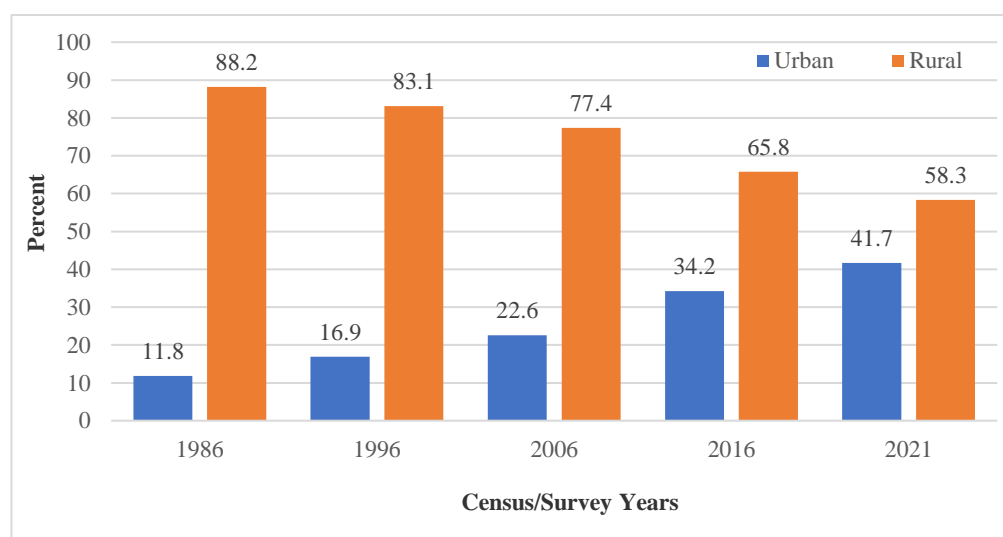
<i>Age group</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
45–49	47 700	46 634	94 334
50–54	34 097	39 401	73 498
55–59	26 728	34 734	61 462
60–64	22 352	32 794	55 146
65–69	17 421	27 480	44 901
70–74	12 656	21 242	33 899
75–79	8 058	14 081	22 138
80+	8 630	24 566	33 196

Source: 2021 LDS.

Distribution of Population by District, 1986–2021 (percentage)

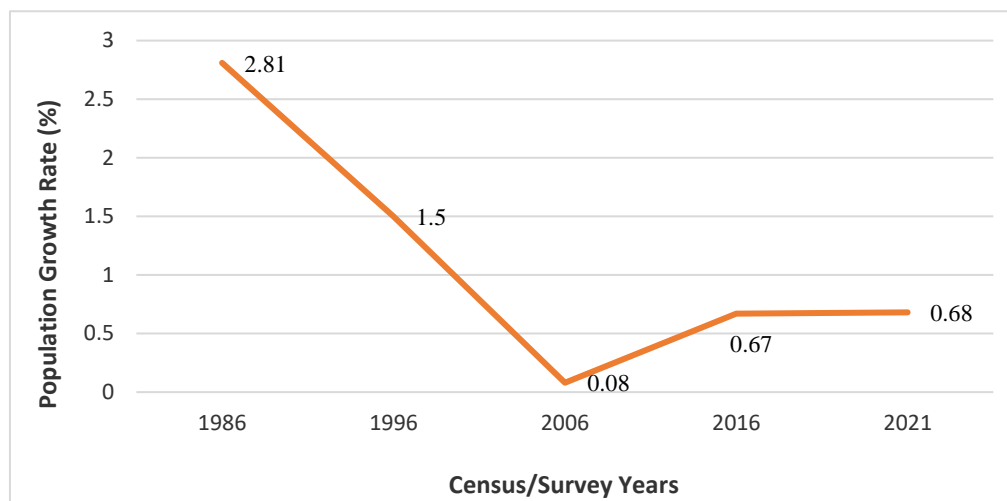
<i>District</i>	<i>Censuses</i>				<i>LDS</i>
	<i>1986</i>	<i>1996</i>	<i>2006</i>	<i>2016</i>	<i>2021</i>
Botha-Bothe	7.0	6	5.9	5.9	5.9
Leribe	17.0	16	15.7	16.8	17.4
Berea	9.0	13	13.4	13.2	13.0
Maseru	19.0	21	22.9	25.8	27.3
Mafeteng	13.0	11	10.3	8.9	8.2
Mohale's Hoek	11.0	10	9.4	8.2	7.7
Quthing	7.2	7	6.6	5.8	5.3
Qacha's Nek	4.0	4	3.7	3.7	3.7
Mokhotlong	5.0	5	5.2	5.0	4.9
Thaba-Tseka	7.0	7	6.9	6.7	6.6
Total	1 605 177	1 862 275	1 876 633	2 007 201	2 076 669

Source: 1976, 1986, 1996 and 2006 Census Reports, Census 2016.



Source: 2021 LDS.

Population Growth Rate



Source: 2016 Census and 2021 LDS.

Distribution of Arable Land and Population Density

District	Percent Population	Arable Land (sq. km)	Density (sq. km)
Botha-Bothe	5.9	228	537.5
Leribe	17.4	837	432.0
Berea	13.0	757	355.7
Maseru	27.3	894	633.5
Mafeteng	8.2	952	178.0
Mohale's Hoek	7.7	714	222.9
Quthing	5.3	350	316.2
Qacha's Nek	3.7	240	321.3
Mokhotlong	4.9	329	310.0
Thaba-Tseka	6.6	481	286.9
Total	100	5 780	359.0

Source: National Irrigation Master Plan and Investment Framework, Lesotho Final Completion Report, Volume I, 2020 and 2021 LDS.

Dependency ratio (population under 15 and over 65 years)

7. The table below shows that the overall sex ratio decreased from 97.3 in 2011 to 94.8 males per 100 females in 2021. The percentage of the population residing in urban areas seems to be increasing in recent years. In general, the selected demographic measures seemed to be decreasing from 2011 except population aged 65 and above, including the percentage of the population residing in urban areas.

Measure	Survey/Census Year				
	2001	2006	2011	2016	2021
% of population <15	38.6	34.1	33.7	31.7	30.4
% of population 65+	4.9	5.7	6.1	6.1	6.4
Overall Sex ratio	95.6	94.7	97.3	95.8	94.8
Sex ratio at birth	102.4	102.4	105.1	101.4	101.1
Average Household size	5.0	4.4	4.2	3.7	3.6

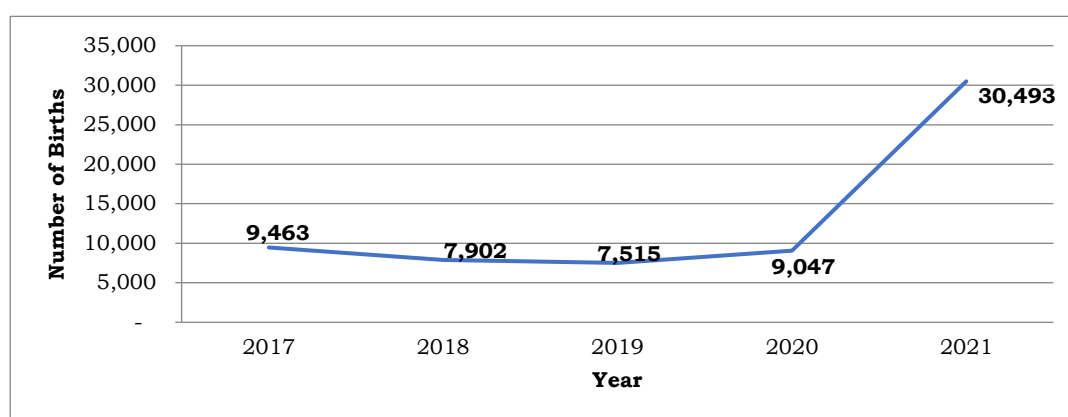
Measure	Survey/Census Year				
	2001	2006	2011	2016	2021
% of population urban	17.1	22.6	23.7	34.2	41.7
Age dependency Ratio	43.0	66.2	66.1	60.9	58.0

Source: 2006, 2016 Population and Housing censuses of Lesotho and 2001, 2011 and 2021 LDS.

Births and deaths

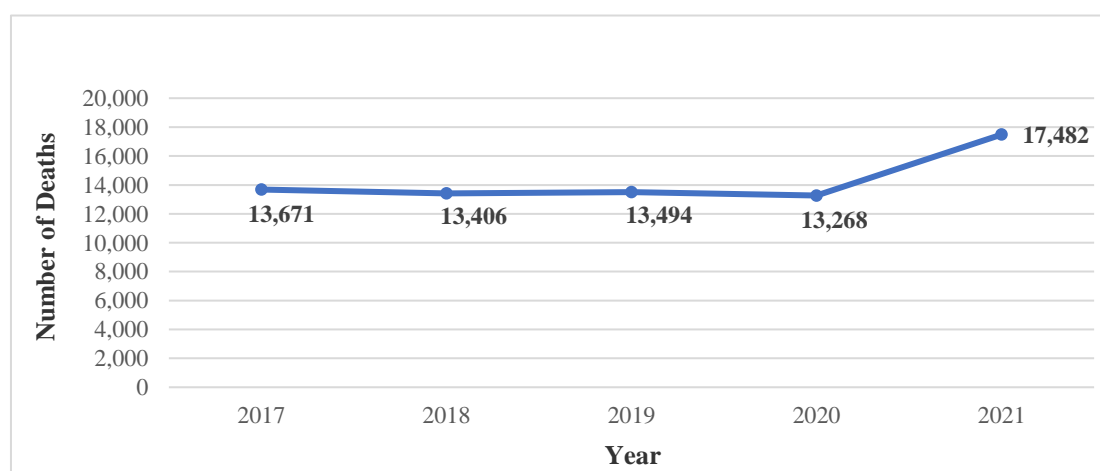
8. In general, there was a notable difference in the number of registered live births in 2021 as compared to the rest of the previous years. This is attributed to the fact that the Ministry of Home Affairs (MoHA) deployed District Officers to all Health Centres and Councils to register all births and deaths at the time of occurrence.

Number of Live Births, 2017–2021



Source: Vital Statistics Report – Births and Deaths.

Number of Deaths



Source: 2021 LDS.

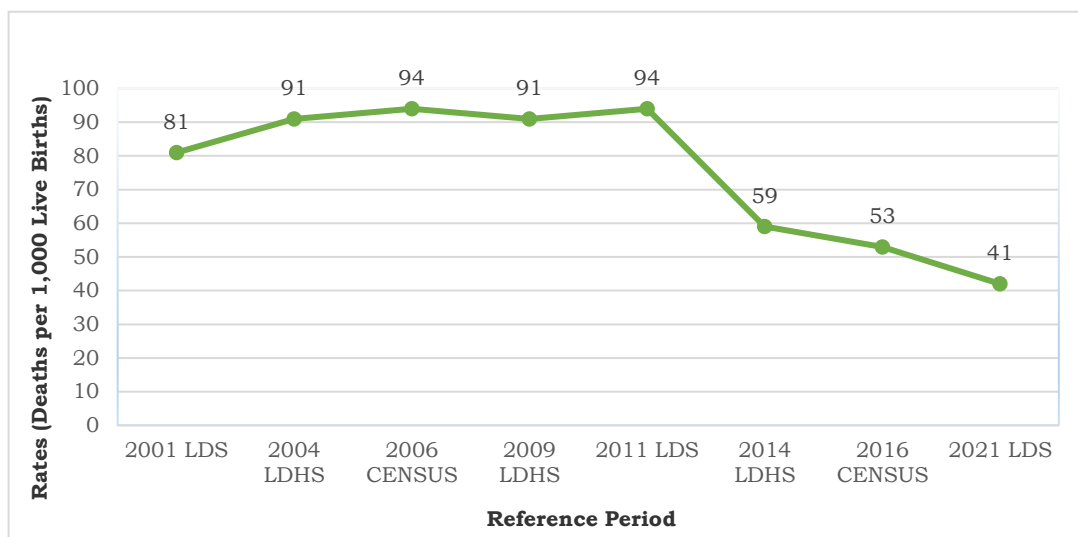
Trends in Life Expectancy 1986-2016 Censuses and 2001–2021 LDS

Census/Survey	Year	Both sexes	Males	Females
Census	1986	53.3	53.5	57.2
Census	1996	59.0	58.6	60.2
LDS	2001	50.1	45.1	54.2

Census/Survey	Year	Both sexes	Males	Females
Census	2006	41.2	39.7	42.9
LDS	2011	41.8	39.4	45.3
Census	2016	56.0	51.7	59.6
LDS	2021	61.6	57.9	65.3

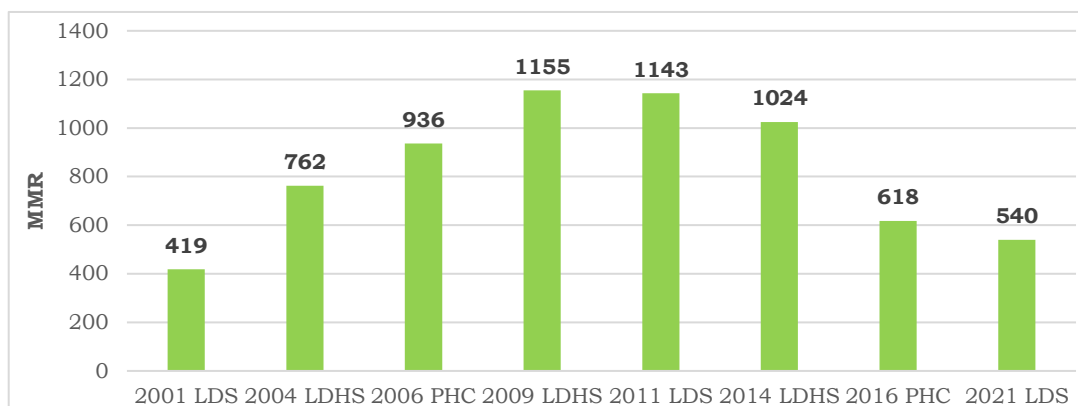
Source: 2021 LDS.

Infant Mortality Rates from Surveys and Censuses, 2021 LDS



Source: 2021 LDS.

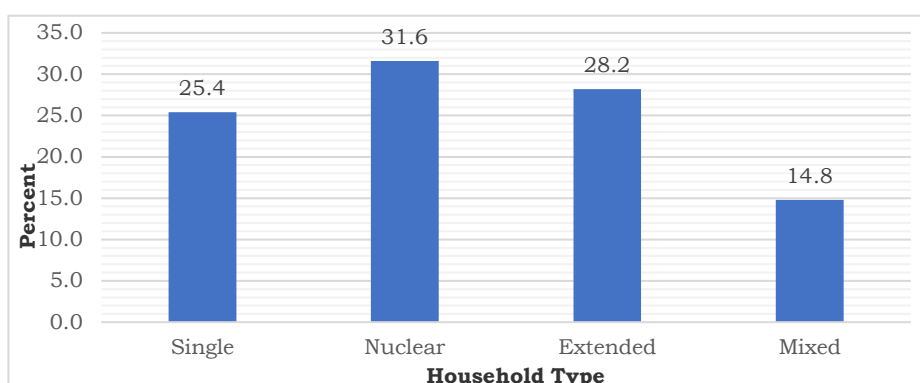
Maternal Mortality Ratio (MMR) Trend by Year of Censuses and Surveys



Source: 2021 LDS.

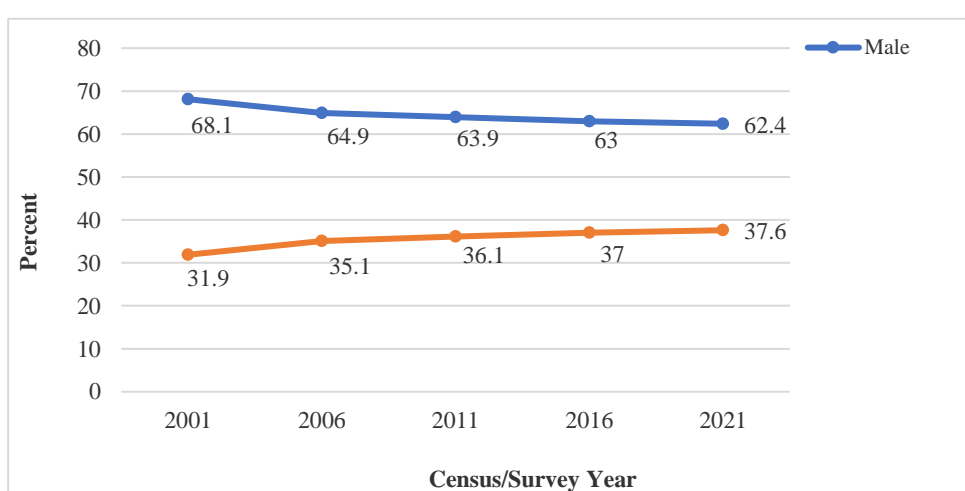
Households

9. In 2001, the results showed that the proportion of single-parent households was higher in urban than rural areas. Moreover, female-headed households in urban constituted 23.9 and 13.9 per cent, respectively. According to the 2006 census, 35.1% of households were headed by females. The situation is almost the same for urban and rural areas. In urban and rural areas, female-headed households constitute 36.6% and 34.5%, respectively. The study held in 2021 revealed that households with single members constituted 25.4% while most households comprised nuclear families, constituting 31.6%, as shown in the figure below.

Distribution of Households by Household Types (percentage)

Source: 2021 LDS.

The figure below shows an increasing trend for female-headed households compared to male-headed households.

Male and Female-Headed Households 2001, 2006, 2011 and 2016

Source: 2016 PHC and 2021 LDS.

Population distribution by language, religion and ethnicity in rural and urban areas

10. There is no data collected on language, religion and ethnicity. Lesotho's most popularly used languages are English and Sesotho in all districts except in the parts of Quthing district where some Bathupu tribes speak Sethepu. The majority of Basotho are Roman Catholics and Evangelicals. Other religions found in Lesotho are Bahai, Pholoso, and Islam. Different types of ethnicities include Bakuena, Bahlakoana, Matebele, Makhlokoe, Baphuthi, Basia, Bafokeng, Bataung, Bakubung, Bats'oeneng, Banareng, Bakhatla and Batlounge.

Economic characteristics

11. Lesotho faces significant socioeconomic challenges. Almost half of its population lives below the poverty line as of 2017, and the country's HIV/AIDS prevalence rate is the second highest in the world as of 2021. In addition, Lesotho is a small, mountainous, landlocked country with little arable land, leaving its population vulnerable to food shortages and reliant on remittances. According to the last two Demographic and Health Surveys, Lesotho's persistently high infant, child, and maternal mortality rates have increased in the previous decade. Despite these significant shortcomings, Lesotho has made good progress in education; it is on-track to achieve universal primary education and has one of Africa's highest adult literacy rates.

12. Migrant Labour, Manufacturing, Construction, Subsistence Agriculture, and Tourism sectors are the mainstay of Lesotho's economy. The Tourism sector is also another vital socio-economic sector.

Economic Indicators

Indicator	1994/1995	2003/2004	2017/2018
Share of (household) consumption expenditures on food, housing, health and education	-	-	Food – 57.4, Housing – 7.0, Health – 0.9, Education – 0.4
The proportion of the population below the national poverty line	66.6	56.6	49.7
Gini coefficient (relating to the distribution of income or household consumption expenditure)	57	51.9	44.6

Source: 1994/1995 Household Budget Survey, 2003/2004 Household Budget Survey and 2017/2018 Continuous Multipurpose Survey/ Household Budget Survey.

Monthly Consumer Price Indices

Indicator	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
Consumer Price Index (CPI)	8.1	8	6.8	7.4	6.8

Source: Monthly Consumer Price Indices Report.

GDP and Annual Growth Rate

Indicator	2017	2018	2019	2020	2021
Gross domestic product (GDP)	21 802	21 479	21 315	20 117	20 430
Annual growth rate	-3.1	-1.5	-0.8	-5.6	1.6
Gross National Income (GNI)	24 768	25 567	25 357	23 930	24 047

Source: Annual National Accounts Report (in million maloti).

Poverty Indicators

13. Poverty in Lesotho is an over-whelming rural challenge with variations to gender, household size and access to basic services, including water and housing. Unemployment and uneven distribution of income is the primary cause of poverty. Furthermore, a significant amount of labour is devoted to low-productive rain-fed crop farming and livestock activities, which do not provide an adequate livelihood without the additional support from non-farm employment and migrant remittances. However, the agricultural sector remains the primary source of livelihood and income for poor communities in rural areas. The country is confronted with severe natural resource degradation and weak environmental conditions. The rural economy's performance continues to be highly affected by poor agricultural productivity, lack of infrastructure, and prolonged drought. The transformation of Lesotho's economy from predominantly agriculture to manufacturing has improved livelihood options in the urban sector. However, this has significantly undermined the capacity of the rural and agricultural sectors as a source of livelihood, employment and income. The shifting balance towards manufacturing has also worsened poverty in rural communities, particularly those that depend on food production. It will therefore be necessary to take measures to restore the sources of livelihoods for the rural population.

14. The Lesotho Human Development Report has published the human development index, which provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and gross enrolment in education) and having a decent standard of living (measured by purchasing power parity, PPP, income). However, the index does not include

essential indicators such as gender or income inequality, respect for human rights and political freedoms. It allows viewing human progress and the complex relationship between income and well-being. Between 2000 and 2007, Lesotho's HDI fell by -0.52% annually from 0.533 to 0.514 in 2009. In 2007, the HDI for Lesotho was 0.514, which gave the country a rank of 156th out of 182 countries.

Employment

15. According to the Household Survey data, unemployment remained high at 23.2 (42.1) per cent in 2008. From 2002 to 2003, the total labour work force fell from 28.7 percent in 1994/1995. Of this, 8.9 per cent were people with primary education qualifications, followed by those with non – formal education at 7.9 per cent. The unemployment rate for males was 14.7 per cent, while for women, it was 8.5 per cent. The unemployment situation in Lesotho has not improved from 1994 to 1995. From 2002 to 2003, the proportion of unemployment for men and women was estimated at 7.1 per cent and 4.6 per cent. The unemployment ratios from 1994 to 1995 for males and females were respectively 7.7 per cent to 3.9 per cent. The unemployment percentage from 2008 to 2009 was estimated to be 24.6 per cent in 2008 to 33.1 per cent in 2009. People in urban areas are more often employed with a salary than in rural areas, where people primarily work in subsistence farming.

Employment

<i>Indicator</i>	<i>2008</i>	<i>2019</i>
Unemployment rate	25.3	22.5
Work participation rates – Males	43.2	43.2
Work participation rates – Females	56.8	56.8

Source: Labour Force Report 2008 and 2019.

Employed Population aged 15+ Years by Sector and Sex

<i>Sector/Production Unit</i>	<i>Formal</i>	<i>Informal</i>	<i>Household</i>
Total	41.1	40.5	18.4
Male	47.6	66.9	32.2
Female	52.4	33.1	67.8

Source: Labour Force 2019.

Number and Percentage Distribution of Employed Population (15+ Years) by Industry and Sex

<i>Industry</i>	<i>Sex</i>				<i>Total</i>
	<i>Male</i>		<i>Female</i>		
	<i>Number</i>	<i>Per cent</i>	<i>Number</i>	<i>Per cent</i>	
Agriculture, forestry and fishing	47 887	17.4	18 719	7.6	66 606
Mining and quarrying	22 853	8.3	1 374	0.6	24 227
Manufacturing	20 516	7.5	44 988	18.3	65 504
Electricity, gas, steam and air conditioning supply	860	0.3	338	0.1	1 198
Water supply; sewerage, waste management and remediation activities	3 396	1.2	1 098	0.4	4 493
Construction	44 103	16	2 225	0.9	46 329
Wholesale and retail trade; repair of motor vehicles and motorcycles	33 007	12	38 514	15.6	71 522
Transportation and storage	17 109	6.2	814	0.3	17 923
Accommodation and food service activities	3 671	1.3	14 786	6	18 457

Industry	Sex				Total
	Male		Female		
	Number	Per cent	Number	Per cent	
Information and communication	1 302	0.5	783	0.3	2 085
Financial and insurance activities	1 930	0.7	2 586	1	4 516
Real estate activities	670	0.2	926	0.4	1 597
Professional, scientific and technical activities	1 001	0.4	912	0.4	1 913
Administrative and support service activities	11 243	4.1	2 611	1.1	13 584
Public administration and defence; compulsory social security	19 208	7	12 107	4.9	31 315
Education	8 904	3.2	22 136	9	31 040
Human health and social work activities	4 601	1.7	9 889	4	14 490
Arts, entertainment and recreation	996	0.4	751	0.3	1 747
Other service activities	3 795	1.4	5 818	2.4	9 612
Activities of households as employers; undifferentiated goods- and services-producing activities of households for own u	25 596	9.3	61 445	24.9	87 041
Activities of extraterritorial organizations and bodies	1 547	0.6	2 396	1	3 943
Not Stated	927	0.3	1 107	0.4	2 043
Total	275 123	100	246 322	100	521 445

Source: Labour Force 2019.

16. The economic crisis has had an impact on the rate of loss of employment, which has impacted the unemployment level. The ever-fluctuating exchange rate of the rand from 2008 to 2010 has also affected the employment rate in Lesotho.

17. The employment industry (% of total employment) (modelled ILO estimate) in Lesotho was reported at 41.94 % in 2020, according to the World Bank collection of development indicators compiled from officially recognized sources. The unemployment rate in Lesotho saw no significant changes in 2022 compared to the previous year, 2021 and remained at around 18.04 per cent. Still, 2022 marked the second consecutive decline in the unemployment rate.

18. A Willingness and Ability to Pay study conducted in one of the Areas in the Southern districts indicated that 9% of the households were employed, 72% were unemployed, and the rest were engaged in informal businesses and subsistence farming with no regular income.

Inflation

19. The inflation rate for consumer prices in Lesotho moved over the past 48 years between -9.6% and 33.8%. For 2022, an inflation rate of 8.3% was calculated. During the observation period from 1974 to 2022, the average inflation rate was 9.5% per year. Overall, the price increase was 7,073.64%. Inflation in global food prices moderated after the economic crisis, but in Lesotho, it remained high. This is partly because Lesotho's economy is intertwined with that of South Africa, which is undoubtedly Africa's most robust economy.

Inflation

Year	Percentage
2022	8.24
2021	6.05
2020	4.98
2019	5.19

Source: www.centralbank.org.ls.

Public Sector

20. The Government of Lesotho is the largest employer, constituting 10% of the employment sector. The role of the Government as Lesotho's biggest employer is on the decline because of economic regression in the country and the privatisation of some services.

Private Sector

21. The Government recognises the significance of private sector development in reducing high unemployment rates and promoting sustainable economic growth. The role played by the private sector development in economic growth and its impact on eradicating poverty is currently at the centre of national development plans of many countries worldwide. Private enterprises promote economic growth, reduce poverty, and contribute significantly to providing employment opportunities for people experiencing poverty and a better standard of living. This means that supporting the private sector development through a conducive environment and increased entrepreneurial capacity building is critical to achieving sustainable economic growth in Lesotho.² According to the World Development Report (WDR) of 2005, private sector entities invest in new markets and new facilities that help strengthen the infrastructural foundation of the economy, which, in turn, lays a good foundation for attracting investors from abroad and facilitating economic growth. The private sector development also helps reduce unemployment and corruption which have far-reaching implications for the country's population's economic and social lives. Jobs and incomes created by the private sector enterprises lead to economic diffusion of growth by directly impacting poverty alleviation. The private sector is also the primary source of tax revenue, contributing to public funding of health care, clean drinking water, food and agricultural inputs such as seeds for people experiencing poverty, and satisfying other demands.³

Informal sector

22. In the informal private sector, trade activities are undertaken by individuals regarded as self-employed. They work as street vendors, farmers, domestic workers and in a wide range of other activities.

Manufacturing industry

23. The manufacturing industry and sector in Lesotho comprises the textile industry. Most of these firms are in the outskirts of Maseru, in places like Ha Thetsane and the industrial area of Maseru. Other manufacturing industries are in the districts of Leribe in Mafeteng. These firms are engaged in the manufacturing of clothing, footwear, and wool. When the Multi-fibre Agreement came into force, the Africa Growth and Opportunities Act (AGOA) was enacted, granting duty and quota to Lesotho textiles imported into the United States of America. In December 2004, when the Multi-fibre Agreement expired, it affected the employment rate in the textile sector.

24. The second largest employer in Lesotho is the manufacturing and industry sector. The years 2000 to 2004 were a period in which Lesotho witnessed unprecedented growth in the textiles and garment industry. More than 50,000 jobs were created due to the African Growth Opportunities Act (AGOA) 2000. This Act granted duty and quota-free access to Lesotho textiles imported into the United States of America. The performance of AGOA in Lesotho from 2000 to 2004 has been remarkably high and satisfactory, with an estimated performance turnover of USD1.06 billion. The major trade export products were clothing, furniture, footwear, and wool. The majority of the female population benefited greatly from AGOA-I in terms of making provision for the basic social amenities of their families, such as food, school fees and other essential family requirements.

25. During AGOA -II and AGOA -III, more stringent conditions for market access were put in place. During AGOA – II, the United States of America market put a conditionality requiring exporter markets to gain access to their market when the cotton plant is at the place of manufacture. During this time, the labour market in Lesotho was slightly affected because

² Extract information from Economic Review November, 2009 Central Bank of Lesotho.

³ Ibid note 6 above.

some of the investors who could not accept the new conditions of trade closed their shops and left the country. Despite however, the Government of Lesotho has undertaken all efforts to negotiate favourable conditions of trade that continue to place Lesotho high on the American trade market. Promising signs of employment– generations have also been shown to increase.

26. Lesotho's major trade partners have been the Republic of South Africa, the United States of America, Botswana, Swaziland, Namibia and the European Union. In 2005 a recession affected the country following a drought which decimated the sub-region, as well as a downturn in textile production emanating from exchange rate losses attributed to an appreciating South African Rand. This condition resulted in several foreign-owned textile companies being closed. As a result, about 10,000 jobs were lost to the textile industry. The Multi-Fibre Agreement (MFA) has also been another external arrangement that has impacted the economic growth of Lesotho's economy. The Multi-Fibre Agreement (MFA) focused on restricting textiles product export as a sensitive sector. The textiles and clothing industry has dominated the manufacturing sub-sector for export to the United States of America and has contributed to Lesotho's accelerated economic growth rate. This sector has had an amazingly great impact. The expiry of the Multi-Fibre Agreement (MFA) has implied that Lesotho will now have to compete for the United States market on an equal basis with the world's most low-cost producers, including countries like China, India and Bangladesh⁴ as per the tables below.

Lesotho Trade with the rest of the World

	2004	2005	2006	2007	2008
Import	9 621 960 994	8 765 011 011	8 645 557 878	9 041 112 042	8 825 114 877
Export	6 358 847 766	3 878 442 122	5 122 001 419	4 297 210 001	6 014 473 500

Source: Ministry of Trade.

Top ten importing Partners

2004		2008		
Country	Values	Country	Values	
1	RSA	7 927 528 900	RSA	8 406 545 370
2	Taiwan	567 200 632	Japan	160 729 000
3	Hong Kong	516 091 496	German	12 161 200
4	China	358 979 145	USA	64 419 000
5	USA	77 959 635	United Kingdom	21 868 102
6	Singapore	59 393 394	China	10 225 200
7	India	56 263 656	Namibia	4 473 150
8	South Korea	36 960 102	India	3 892 450
9	United Kingdom	21 584 034	Italy	3 716 213
10	Swaziland	53 145	Botswana	2 715 431

Source: Ministry of Trade.

Top Ten Exporting Partners

2004		2008		
Country	Values	Country	Values	
1	USA	4 248 768 270	USA	3 187 801 300
2	RSA	1 119 457 190	RSA	2 395 545 700

⁴ Interview with Director of Trade-MOT&ICM.

2004		2008		
Country	Values	Country	Values	
3	Belgium	605 393 949	Belgium	315 007 600
4	Switzerland	173 500 143	Canada	29 162 400
5	Canada	35 177 760	Madagascar	25 279 200
6	Botswana	22 448 263	Mauritius	1 127 246
7	United Kingdom	4 132 682	Swaziland	1 848 954
8	Netherlands	1 029 540	Netherlands	493 516
9	Madagascar	4 988 920	United Kingdom	236 880
10	Japan	937 000	United Arab Emirates	77 273

Source: Ministry of Trade.

Construction Sector

27. Another important sector at the moment is the area of construction. The Lesotho Highlands Water Project (LHWP) has made a remarkable contribution to the construction activities of water dams at Mohale Dam, Katse Dam and Matsoku. Lesotho is selling excess water to South Africa and has generated power for local consumption at the Muela Hydro-electric power station. This contributed to a sudden boom in the construction sector. The multi-billion-dollar project brought with it the construction of infrastructure and socio-economic development, as most people worked on it for more than ten years. Lesotho Highlands Water Project (LHWP) is an ongoing water supply project with a hydroelectric component.

28. The construction of Phase 1B of the Lesotho Highlands Water Project on Mohale Dam started in 2002. Since its inception, the Lesotho Highlands Water Project – (LHWP) has made many milestones and benefits, including a significant contribution to sustaining and enhancing biodiversity in Lesotho through community programmes. There has also been awareness raising of environmental management and conservation issues. The resettlement project of the LHWP built modern standards of houses according to the size of their affected dwellings. Affected families received annual compensation for arable land lost, based on generous production estimates either in cash or kind – that is, maize or beans—depending on the recipient’s discretion. With a hydroelectric plant that currently supplies electricity to the central Gauteng Province, where the majority of the industrial and mining activity occurs, as well as the hydroelectric power generation for Lesotho. With the LHWP, Lesotho gets fixed and variable royalties from the water transfer to the RSA. On average, the royalties come to M15 million per month.

Agricultural Sector

29. Lesotho is dominantly a rural economy, with 76 per cent of the people living in rural areas. Its primary sector is agriculture. The main agricultural products are corn, wheat, sorghum, barley, peas, beans, asparagus, wool, mohair, and livestock. This sector has contributed to about 20% of the Gross Domestic Product (GDP). The agricultural sector has faced severe challenges, ranging from the fact that two-thirds of the land is mountainous and unsuitable for farming.

30. The Government has undertaken steps to revive the agricultural sector and diversify the economy for better performance and development. The block farming strategy with some subsidies has been introduced to commercialise and revive the agricultural sector. Since implementing this strategy, the agricultural sector has performed much better under block farming. The prudent utilisation of the country’s abundant natural resources, such as water for irrigation, domestic use, and export to the Republic of South Africa, is viable for economic diversification.⁵

⁵ Lesotho: Millennium Development Goals Report 2010.

31. Currently, Lesotho cannot produce enough food to meet the domestic demand. Almost 70 per cent of the annual cereal requirements is imported mainly from South Africa. Most people, especially in rural areas, rely heavily on subsistence farming. Many of the rural population is impoverished, with limited crop yields and little or no resources to buy imported foodstuffs. As a result, about twenty-five per cent (25%) of the population was classified as insecure in 2009.

Tourism Sector

32. Lesotho's tourism sector has a very high potential to contribute to the country's GDP. Lesotho has beautiful mountain terrain and scenery, which appeals to tourists. The snowfall in the mountain districts during winter is a great attraction. The Oxbow Skiing and holiday resort acts as a great tourist attraction where tourists go skiing. Other places of tourist interest and attraction include Tšehlanyana animal and game resort. Sehlaba–Thebe is another game resort where some extinguished animals can be viewed. Kome caves also contribute to the tourist beauty of Lesotho. Thaba–Bosiu Mountain and cultural village remain as other places of tourist attraction. Malealea Lodge, and many other holiday resorts scattered on the outskirts of Maseru, provide tourists with the freshness of pure air of the Mountain Kingdom. Both Katse Dam in the Leribe district and Mohale Dam in the Thaba –Tseka district add to the beauty of Lesotho while at the same time generating income in the form of royalties from the water which gets sold to the Gauteng province in South Africa for household consumption. The hospitality business is increasing through many dotted bed and breakfast places and lodges. The tourism sector is showing indicators of having great potential towards revenue collection for Lesotho.

Migrant Workers

33. Lesotho suffers high levels of human trafficking, particularly among women, children and people living in poverty or close to the poverty line. Due to the challenges of unemployment, the youth, and young women, have been trafficked to other foreign places, for sexual exploitation, pornography, and cheap labour, in the pretext that they will be offered suitable employment. The total literacy rate is estimated at 96.9 per cent. The literacy rate accounted for 85.5 per cent, with the female population literacy rate estimated at 89.4 per cent and 81.2 per cent for males. (2021 LDS report).

34. Lesotho's migration history is linked to its unique geography; it is surrounded by South Africa, with which it shares linguistic and cultural traits. At one time, Lesotho had more of its workforce employed outside its borders than any other country. Today remittances equal about 20% of its GDP. With few job options at home, a high rate of poverty, and higher wages available across the border, labour migration to South Africa replaced agriculture as the prevailing Basotho source of income decades ago. Most Basotho migrants were single men contracted to work as gold miners in South Africa. However, migration trends changed in the 1990s, and fewer men found mining jobs in South Africa because of declining gold prices, stricter immigration policies, and a preference for South African workers.

35. Although men still dominate cross-border labour migration, more women work in South Africa, mainly as domestics, because they are widows or their husbands are unemployed. Internal rural-urban flows have also become more frequent, with more women migrating within the country to work in the garment industry or moving to care for loved ones with HIV/AIDS. Lesotho's small population of immigrants is increasingly composed of Taiwanese and Chinese migrants involved in the textile industry and small retail businesses.

36. Lesotho's location within the boundaries of the Republic of South Africa has played a vital role in determining its employment parameters. The South African gold mines have traditionally employed significant numbers of Basotho people. Lesotho exports about 116,129 unskilled labourers (about 22.7 per cent of the total labour force) to South Africa, of whom 94,292 are employed in the mines. Owing to increased redundancies from the mines, the number of migrant workers employed in the mines has been steadily decreasing, from around sixty-five thousand in 2000 to fifty-three thousand in 2005. Many Basotho miners have, as a result, faced retrenchment. The retrenchment of migrant labourers has resulted in a high unemployment rate and a lack of alternative sources of income.

Migrant Remittances

37. Most of the Basotho people work in the Republic of South Africa. The male workforce works mainly in the mines. The remittances of the migrant mineworkers have, over the decades, accounted for a significant part of Lesotho's overall national income. However, the average number of Basotho Mine Workers employed in South Africa has declined from 100,500 in 1995 to 50,000 in 2008. Notwithstanding this decline, remittances from mine workers have significantly contributed to the overall disposable income in the economy. Lesotho, which had the highest percentage of migrant labourers working in The Republic of South Africa, has felt the impact of the retrenchment crisis more. The global economic crisis has also harmed the performance of the global economy and trade markets, and Lesotho is not an exception to this turmoil.

38. Remittances from the Republic of South Africa accounted for about half of the GDP in the 1980s. These remittances have shrunk to about one-fifth of the GDP lately. Since many citizens of Lesotho have migrated to the RSA for work, mainly in the mines, it is important to note that the GOL offers these workers some protection. A Labour Agreement between Lesotho and the RSA was made in the 1970s, ensuring that the Basotho were entitled to all labour rights provided in the 1992 Labour Code Order. Items regarding the employment of Lesotho citizens outside of Lesotho are contained in the 1992 Labour Code.

Diamond Mining Sector

39. Some mineral deposits exist in Lesotho. These include diamonds, uranium, base metals, high-quality sandstone, and clay. The Government has made policy initiatives aimed at greater private sector participation in the mining industry. The mining sector has generated great interest, with new companies opening up new mining ventures. The Lesotho Geological Survey has identified 33 kimberlite pipes and 140 dykes, of which 24 are diamondiferous. When the Lets'eng mine commenced operations, it had a 76 per cent shareholding in the company and 24 per cent owned by the Government.⁶ Lets'eng Diamonds is one of the world's highest-altitude diamond mines at 3,100 metres above sea level. Since 2005, 70% of the Lets'eng shareholding has been owned by Gem Diamonds Ltd (Pty), while the Government of Lesotho owns 30%.⁷ The mine has been in commercial operation since 2004, with a total capacity of 5 Million tons per year. This mine recovers approximately 100,000 carats annually, making it the world's seventh-largest timber-lite mine. The initial estimated production was fifty thousand (50,000) carats per year. Presently registered mining companies and their shareholding stand as follows: Letšeng holds 70% while the Government 30%; Lihobong Mining Development Company 75% while the Government 25%; Kao Diamonds 93% while the Government 7%; Mothae Diamonds 75% while the Government 25 %.

Other Mineral Resources

40. The viability of mining Lesotho's uranium reserves, base metals and clays is being evaluated. Reserves of coal and bituminous shall also have been identified in several areas and shall also have been identified in several areas of the country. Loti Brick 98% while Government 2%. (SADC Review 2006).

Water Resources

41. Lesotho has abundant water - hence it has agreed to provide the Republic of South Africa with some. The Lesotho Highlands Development Authority Order No. 23 was enacted in 1986, establishing the Lesotho Highlands Water Project (LHWP). The project started in 1986 and ended in 1996, while its defect liability period ended in 2006. The Lesotho Highlands Water Project (LHWP) has been the main driver of investment, providing macroeconomic stability for the country. Now there is phase II of the project, which has begun the construction of the Polihali Dam in the Mokhotlong district.

⁶ MDG Status Report 2008.

⁷ Source: Commissioner of Mines.

42. The Water Resources Act of 1978 specifies that domestic water use takes priority over other uses. The Water Act (2008) was enacted to provide for water resource management, protection, conservation development and sustainable utilization. Lesotho developed the National Environmental Policy in 1998, providing the framework for developing water policy. The policy acknowledges the periodic prolonged drought and scarcity of water for agriculture and pollution of land and water courses. It advocates providing access to potable water for all people. The policy also introduces the notion of the polluter-pays principle. The Water Resource management policy (1999) aims to develop integrated, coordinated, effective, and efficient approaches to the conservation and use of limited water resources and to promote its conservation and availability in sufficient quantity on a long-term sustainable basis.

43. Access to improved water sources has been identified as one of the indicators for monitoring the Vision 2020 component “healthy and well-developed resource base”. The increase in providing clean, safe drinking water and proper sanitation has been identified as a strategic action whose main role players are the Ministry of Natural Resources through DRWS, the Water and Sewerage Authority (WASA), and The Environmental Health Division. WASA is responsible for providing potable water supplies, sewerage treatment, and liquid waste disposal facilities to the urban areas in the lowlands and highlands. WASA does not provide water for agricultural and irrigation purposes. WASA manages the water distribution system, unaccounted-for water, and laboratory sampling and analysis of water.

44. In 2007, the Ministry of Natural Resources developed the Lesotho Water and Sanitation Policy, ensuring access to clean water. The national goal is to provide 30 litres of clean water per person per day and to ensure that the travelling distance required to collect clean water does not exceed 150 metres. The Department of Rural Water Supply (DRWS) has developed a strategy for achieving defined water coverage and maintenance goals. The two key elements of the strategy focus on increasing the speed at which communities are supplied with a safe, sufficient water supply and establishing a workable mechanism to ensure the long-term sustainability of water systems once they are completed.

45. The table below indicates that the percentage of households that walk for less than 15 minutes to collect water ranges from 45.6% to 63.5%. The highest rate is in Maseru, while the lowest is in the mountain district of Thaba-Tseka. Those who spend 15 to 29 minutes account for 20.5 per cent. Furthermore, less than 3 per cent of the household members travel for two hours or more to get water for their households.

Percentage distribution of households by district and time in minutes taken to get water and come back walking

District	Time taken to get water							Number
	00–14	15–29	30–44	45–49	50–59	60–119	120+	
Botha-Bothe	52.7	22.0	10.8	4.0	4.5	3.8	2.2	100 (23 724)
Leribe	47.5	22.0	11.7	4.7	6.2	4.6	3.2	100 (66 697)
Berea	54.4	19.2	10.2	3.7	5.6	3.9	3.0	100 (56 567)
Maseru	63.5	17.4	8.1	2.8	3.5	2.9	1.7	100 (109 978)
Mafeteng	49.7	21.8	11.8	4.6	5.8	4.0	2.2	100 (42 948)
Mohale’s Hoek	53.2	20.6	10.3	3.4	5.7	4.7	2.2	100 (37 631)
Quthing	50.6	23.2	10.0	3.1	5.4	4.6	3.1	100 (23 528)
Qacha’s Nek	61.9	22.0	8.2	2.5	2.5	2.1	0.8	100 (14 122)
Mokhotlong	54.5	22.0	10.7	4.0	4.3	3.0	1.5	100 (20 431)
Thaba-Tseka	45.6	24.1	12.8	5.5	6.9	3.7	1.4	100 (26 745)

Source: 2006 Census.

46. The DRWS remains responsible for major repairs or expansions of rural water systems, with the government paying no more than 90% of costs and the remainder the community paid. The Water and Sewerage Authority (WASA) is legally responsible for owning,

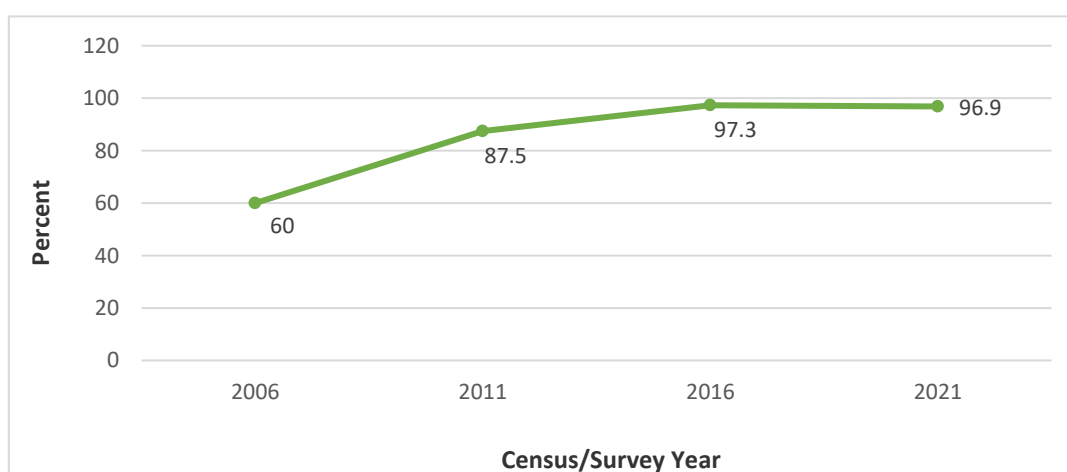
operating, and maintaining urban water and sanitation systems in urban areas. There are three service provision categories in the urban areas: Water Kiosks, Shared water points, and pre-paid system. There are two tariff structures, one for domestic consumers and the other for non-domestic consumers. The non-domestic tariffs are higher than domestic tariffs.

47. WASA monitors the water quality and ensures water is regularly treated in urban areas. A water treatment plant is currently under construction in the main city of Maseru. WASA has established a laboratory for testing water quality. The After Care Strategy developed by DRWS is intended to address and improve the sustainability of water systems and increase community responsibility for operation and maintenance activities. Key elements of the After Care Strategy include allocating responsibility for monitoring and supervising water systems to Community Councils (CCs) with Village Water and Health Committees (VWHC) legally established under CCs being responsible for the operation and maintenance Plan, as well as hygiene education. WASA has embarked on numerous programmes to reduce water wastage and monitors unaccounted-for water. The programmes include rehabilitating existing water lines and reservoirs in urban towns.

Education

48. Lesotho is one of the few African countries in Sub – Saharan Africa with the highest rate of primary school enrolment at 84 per cent. Lesotho enacted the Education Act 2010, which provides the right to free and compulsory education. This has been seen as a promising milestone in achieving the Millennium Development Goals for Universal Primary Education. Free Primary Education was introduced in 2000 as a major strategy towards achieving Universal Primary Education and Education for All goals. But, because it was not compulsory, some parents were still not taking children to school but were engaging them in cheap and hazardous work such as being herd-boys. The strategy has also gone far to meet the Millennium Development Goals (MDGs). According to the Lesotho Millennium Development Goals Report of 2010, the enrolment of primary school children increased from 60 per cent in 1999 to 82 per cent in 2000. The enrolment rate increased to a further level of 83.9 per cent in 2006. The adult literacy rate is also currently estimated at 72 per cent. Lesotho has to this extent, been noted to have made significant strides in the education sector.⁸

Population Aged 15 Years and Above by Literacy Status



Source: 2021 LDS.

Educational Indicators

Indicator	2016	2017	2018	2019	2020
Net enrolment ratio in primary education	89.4	87	85.2	85.8	85.6

⁸ Summary and extract from MGD Report 2010.

<i>Indicator</i>	2016	2017	2018	2019	2020
Net enrolment ratio in secondary education – Males			43.5	43.2	43.2
Net enrolment ratio in secondary education – Females			56.5	56.8	56.8
Teacher-student ratio in publicly-funded schools	33.8	33	33.4	32.4	32.5

Source: Education Report 2017–2020.

49. The constitution of Lesotho of 1993, in section 3(1), states that “the official languages of Lesotho shall be Sesotho and English”. These are also the two official teaching languages in the schools, from primary school, secondary school, high school, tertiary, vocational and tertiary level. The opening of many English medium schools has also called for the high use of the English language in schools.

50. The Ministry of Education is in charge of the primary schools’ syllabus and the setting of standard seven final year of primary school examinations. Secondary education takes three years and is run jointly with the Education Ministry of the Kingdom of Eswatini. The high school level, which takes two years after the secondary level, is the sole responsibility of Cambridge University in England, but the system is gradually being localized. The high school level is again a channel into institutions of higher learning such as the university, teacher training college and technical and vocational schools.

51. Lesotho’s formal system has about 2,204 pre-primary schools, 1,478 primary schools, roughly 341 post-primary schools and 14 higher education institutions. According to the 2006 statistics, Lesotho has about 1,455 primary schools with an enrolment of 424,855 pupils, roughly split between the males and the females, with 10,418 teachers, of whom 6,141 are qualified. About 240 secondary schools have 94,545 students and 3,673 teachers, of whom 2,651 are fully qualified teachers. The female student population is the majority at this level. There were 2,597 students in various post-secondary institutions. At the university level, there were 6,726 students, 52 per cent male and 48 per cent female. Additional students at secondary, post-secondary and university level study abroad. The Government provides financial subsidies to a-both-Government-schools-and-privately-owned-schools.

52. The distribution of schools by districts reflects that Maseru has the largest number of 248 schools, followed by Leribe with 187, while Mhale’s Hoek has 168. Butha-Buthe has the smallest number, with only 88 schools. Unlike enrolment, the mountain region had more schools compared to the lowlands. The mountains have many small schools scattered all over the region with a small number of pupils enrolled. Possibly this is because of the difficult terrain.

Number and percentage distribution of persons aged 15 years and over by educational attainment and sex

<i>Age group</i>	<i>Number</i>	<i>%Std 1-6</i>	<i>%Std 7+Voc/Dip after prim</i>	<i>%Std + non graduate</i>	<i>Graduate</i>	<i>Non- Formal</i>	
Total	643 063	33.0	24.3	36.2	1.2	0.0	5.2
15–19	115 071	11.2	16.9	27.2	0.0	6.5	4.8
20–24	105 674	10.8	17.4	22.3	17.6	25.5	6.6
25–29	82 404	8.0	14.6	16.8	19.0	8.8	5.6
30–34	59 218	6.3	11.6	10.7	16.6	3.7	4.4
35–39	47 950	5.6	9.2	8.3	12.3	4.6	4.0
40–44	43 781	6.9	8.2	6.0	9.7	1.9	5.3
45–49	38 589	7.5	7.0	3.8	8.9	8.3	6.2
50–54	34 404	8.5	5.0	2.2	7.0	7.9	7.8
55–59	26 971	7.9	3.1	1.2	4.7	11.1	6.1
60–64	21 033	6.5	2.1	0.6	2.0	5.6	6.7

Age group none	Number	%Std 1-6	%Std 7+Voc/Dip after prim	%Std + non graduate	Graduate	Non- Formal	
65–69	18 722	5.9	1.8	0.4	1.1	3.7	7.3
70–74	22 287	6.7	1.5	0.3	0.7	6.5	15.1
75–79	11 838	3.7	0.8	0.1	0.2	4.6	7.2
80+	15 121	4.4	0.8	0.1	0.2	1.4	12.8

Source: Household Survey and Population Census – 2006.

53. There were far more males than females who reported having no education. In contrast, more females than males fell under primary, secondary and non-graduate and non-formal education categories. The gap between the males and females who had graduate level was only 3 per cent in favour of females.

Health

54. Lesotho's healthcare comprises curative, preventative and rehabilitative services. There are 22 hospitals, 18 of which are general hospitals. The government owns some of these, while the Christian Health Association owns others. Two of the Government hospitals are specialist hospitals for mental health and leprosy. There is also a military hospital and a privately owned hospital at Thetsane. There are over one hundred and seventy (170) health centres, most of which are owned by the Christian Health Association. There is also a network of about seven thousand (7,000) volunteer health workers, including traditional health attendants. The health centres provide basic curative services, child immunisation, and family planning. The health sector's programmes aim to ensure the survival and development of children through basic health services, specifically immunisation, nutrition and the treatment of common diseases. Due to low capacity within the health sector, Lesotho is recorded and noted to be off track on two indicators affecting children: the child mortality of the under and infant mortality.

HIV-AIDS

55. As of 2021, in Lesotho, there are as many as 290, 000 people living with HIV/AIDS, 20.9% being adults; 7,400 were new infections; 4,500 were deaths related to HIV/AIDS, and 230,000 people were on antiretroviral treatment. The current targets for HIV testing and treatment are called the 95-95-95 targets, which must be reached by 2025 to end HIV/AIDS by 2030. 92% of people with HIV knew their status; 87% of them were on treatment which means 81% of all people with HIV were on treatment; 98% of people who are HIV positive had suppressed viral load, which means 79% of all people with HIV had a suppressed viral load. In June 2016, Lesotho became the first African country to implement a 'test and treat' strategy. This means that people start HIV treatment once diagnosed.

56. Lesotho has one of the highest HIV prevalence rates in the world, with one in five adults living with HIV. The country has more infections per 100,000 people. Women, particularly adolescent girls, are disproportionately affected. Marginalised population groups are most at risk. Around 64% of workers are estimated to have HIV, one of the world's highest rates for this population. Testing and treatment coverage has dramatically improved in recent years, but poverty, gender inequality and HIV stigma and discrimination remain significant barriers to HIV prevention and treatment.

57. The Country's legal environment is more enabling. Homosexuality is legal. However, abortion is only legal in cases of sexual offence (rape), incest, foetal impairment and when the mother's life is at risk. Progress is being made to address HIV-related stigma and discrimination, although it remains an issue. The People Living with HIV Stigma Index (2021) found that 23% of people with HIV had experienced recent HIV-related stigma. One of the main challenges facing the Government is securing the funds to run its HIV programmes, particularly those aimed at marginalised groups most affected by HIV, such as men who have sex with men and the LGBTI community. The Government already provides around one-third of its funding for its HIV response since 2017/2018.

58. The Government has made several efforts to provide a conducive environment for the fight against HIV/AIDS. The Labour Code (Amendment) Act no.5 of 2006 has been passed to stop discrimination at the workplace of those with HIV status. The Labour Code (Codes of Good Practice) Notice of 2003 states that no person should be dismissed merely based on their HIV/AIDS status. The Sexual Offences Act of 2003 contains several provisions that deal with HIV/AIDS, including making it mandatory for an accused person to undergo an HIV test within one week of being charged.¹⁸⁴

Religion

59. Section 13 (1) of the constitution expresses the freedom of conscience. It provides that: “Every person shall be entitled to, and except with his consent, shall not be hindered in his enjoyment of, freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance”. In accordance with Section 13(2), every religious community shall be entitled to manage any of its educational institutions.

60. The Basotho are predominantly Christian, and about 99 per cent show allegiance to the Christian establishment. However, most of the Basotho people still have strong African traditional beliefs in their customs. Many of them are engaged in a mixture of Christianity with traditional beliefs. Out of an estimated percentage of 90 to 99 per cent, about 45 per cent are estimated to be Catholic. The Lesotho Evangelical church was the first Christian church to arrive in Lesotho in 1933. The Lesotho Evangelical Church (LEC), the Anglican Church, the Methodist Church, African Methodist Episcopalian, Seventh Day Adventist, independent Pentecostal, charismatic and born again Churches, such as The Assemblies of God, Jehovah’s Witnesses, Back to God, Ebenezer and many others, share the remaining 55 per cent of the Christian population in Lesotho, with the Lesotho Evangelical Church having a much higher per cent rate. Other kinds of religion include the Baha’i faith and the Muslim faith.

B. Constitutional, Political and Legal Structure of the State

61. The structure of Government as per the Lesotho Constitution is composed as the Legislature, the Executive and the Judiciary.

The Legislature

62. Section 54 of the Constitution establishes Parliament, which consists of the King, the Senate and the National Assembly.

The Senate

63. The Senate is the Upper House of Parliament. It consists of 22 principal chiefs and 11 other senators nominated by the King acting in accordance with the advice of the Council of State (sect. 55 of the Constitution).

The National Assembly

64. The National Assembly consists of 80 members elected in accordance with the provision of the Constitution (sect. 56). The Constitution of Lesotho in Section 1 provides that Lesotho shall be a sovereign democratic Kingdom. In complying with its constitutional mandate and demonstrating its commitment to constitutional and democratic rule, Lesotho has successfully held elections since restoring democratic governance in 1993. The national general elections are held under the auspices of the Independent Electoral Commission (IEC) established by the Second Amendment to the Constitution Act 1997. The Constitution mandates political parties to prepare and submit lists of names of persons appointed as commissioners of the IEC to the Council of State to select commissioners from those names according to the Electoral Act in section 66 (4). The purpose is to make an inclusive process which is cowheel by all stakeholders and legitimises the appointment of Independent Electoral Commissioners. The National Assembly Election Act 1992 provides a code of conduct binding all political parties and candidates. The electoral law allows free access to

public media during the election period to all consisting parties, and the law prohibits commercial advertisement for campaigns in the public media. Timely disposal of election-related disputes is provided for, and the constitution has mandated the High Court, which is a Constitutional Court, to deal with election petitions.

65. The Fourth Amendment to the Constitution Act 2001 was passed into law to ensure a true multiparty National Assembly that is inclusive and representative of all opinions represented in the nation. It was adopted as an Act to amend the Constitution to establish a mixed-member proportional electoral system for the election of the members of the National Assembly. The Act further provided for greater independence of the Independent Electoral Commission and special provisions for general elections. The National Assembly Election (No.1) (Amendment) Act, 2001, was further enacted to increase the size of the National Assembly from eighty to one hundred and twenty members. The current National Assembly has a total of 120 members. Eighty members are elected in single-member constituencies using the simple majority (or First-past-the-post) system. The remaining 40 members are elected through proportional representation and national party lists. Members serve five-year terms. It has to be noted that Basotho are losing interest in voting. Hence voters' turnout in the 2022 National Assembly elections was 37.4 per cent, as a result of Basotho no longer having trust in politics/politicians. Fourteen political parties are currently represented in the National Assembly, from 65 contested in the 2022 elections.

66. Implementing the new electoral system on the mixed-member proportional representation model brought about a general acceptance of the election result for the first time since independence. Lesotho experienced a peaceful post-election period after 2002. "It improved political inclusiveness, representation of small parties in parliament, and enhanced the ruling party's legitimacy".

The Executive

67. The Executive authority is vested in the King and exercised by Him through the Prime Minister. This government organ comprises Cabinet Ministers established by section 88 of the Constitution, Government Secretary (section 97), Principal Secretaries (96) and the Public Service. Since establishing these offices under the Constitution in 1993, there have been major achievements on governance issues. The present executive is formed by a coalition of three political parties, Revolution for Prosperity (RFP) leading as it had majority votes from the 2022 general elections, the Alliance of Democrats (AD) and the Movement for Economic Change (MEC). These are supported by other small parties which did not join the opposition. Fiscal decentralisation remains a challenge, including training and capacity building of the local authorities to function professionally. One hundred and twenty – eight local authority councils have been set up to implement the community council development projects. To strengthen democracy and political governance, local authorities have been trained in restorative justice. The scaling up of rural road construction projects has also been a major function for the local authority structures.

The Judiciary

68. The Judiciary of Lesotho consists of the Court of Appeal as the apex court, the High Court, and the Subordinate courts, established in the Constitution of Lesotho, section 118. The Constitution (Section 118 (2)) further provides that; "The Courts shall, in performance of their functions under the Constitution or any other law, be independent and free from interference and subject only to this Constitution and any other law." The Courts administer the Constitution, statutes, common law (Roman-Dutch), and Customary law. Judicial Administration Act 2011 accords administrative and financial autonomy to the Judiciary. The operationalization of the Act reinforces the doctrine of separation of powers and independence of our Judiciary.

69. The Office of the Registrar of the High Court is an administrative office. It supports the courts in fulfilling their constitutional mandate of upholding the rule of law and delivering justice impartially, speedily, effectively, and efficiently. The administrative office led by the Registrar supports the courts under the direction and control of the Chief Justice. The day-to-day administrative and financial running of the affairs of the Judiciary is performed by the Registrar, who Deputy Registrars, Assistant Registrars, and other staff members assist.

70. The Judicial system of Lesotho is an inheritance of the colonial system, and its history can be traced as far back as the late 1800s. Since then, several structural changes have been occurring, ranging from introducing roles and responsibilities of the Judiciary to promulgating new laws and policies.

Other state structures

Auditor-General

71. The office of the Auditor-General, established by Section 117 of the Constitution, continues to be an important oversight institution on the financial performance of the three organs of Government. Annual reports prepared by the Auditor-General are submitted to Parliament and the Public Accounts Committee of the National Assembly for Scrutiny. The report of the Auditor-General gets responded to by all Government ministries and departments. This happens in the presence of a representative from the Auditor-General's office and the Accountant-General's office. Parliament, as the body that allocates the various line ministries with expenditure and revenue budgets through the Appropriations Act, receives a comprehensive report from all the line ministries on how they have spent the budget allocations from the Auditor-General's report.

72. Any areas of financial irregularities in expenditure procedure, misappropriation and misallocation of funds become the subject of debates between the ministries and the Parliamentary Public Accounts Committee. The focus is generally on areas requiring clarity, explanation, accountability and transparency. The committee's recommendations to the different Government line Ministries get consolidated and get presented to Parliament as one comprehensive report. Line Ministries are subsequently expected to improve the financial management system based on the report's recommendations. Emanating from the Auditor-General's reports, Parliament has had to recommend that Chief Accounting Officers should Order of 1988 and other related legislations. Disciplinary action and criminal prosecution have also been recommended where clear acts of malpractice exist.

Public Service Commission

73. The Constitutional mandate of the Public Service Commission is to appoint, promote and terminate appointments in the Public Service. The Commission's mandate to discipline public officers was delegated to Chief Accounting Officers through The Public Service Act No. 1 of 2005, and the codes of good practice and procedures applicable are outlined in this act. According to Section 136 of the Constitution, the Public Service Commission members are appointed by the King on the advice of the Judicial Service Commission, which the Chief Justice heads. The appointment to Public Service Commission is based on merit, competence and academic qualifications. The commission's independence is meant to ensure the professionalism of the Public Service.

Institutionalising Civilian Control over the Security Forces

74. The First Amendment to the Constitution Act No. 1 of 1996 abolished the Defence Commission, composed of army officers and the police. The King appoints the Commander of the army and commissioner of Police on the advice of the Prime Minister. The civil authorities determine the operation of the army and police, and they report to Parliament through the portfolio committees responsible for defence and public safety, respectively, thus making the two bodies more transparent and accountable.

Institutional machinery with responsibility for overseeing the implementation of human rights

The Human Rights Unit of the Ministry of Justice, Law and Constitutional Affairs

75. The Human Rights Unit (the Unit), established in 1995 through a Cabinet decision, has a three-pronged mandate to promote, protect and monitor human rights in the country. It is thus responsible to:

(a) Disseminate information and hold educational and awareness campaigns on human rights to law enforcement agencies, non-governmental organizations and other interested groups, and the public through workshops, seminars, public gatherings, media spots, documentation, pamphlets, fact sheets, etc.

(b) Monitor domestic legislation and ensure its compatibility with international human rights instruments to the extent permissible within the cultural and historical setting.

(c) Oversee monitoring implementation and domestication of international and regional human rights instruments to which Lesotho is a state party through coordinating compilation of such reports to relevant treaty monitoring bodies.

Police Complaints Authority

76. The Police Complaints Authority (PCA) is an oversight body that deals with public complaints against the police. The powers of the PCA are entailed in Section 22 of the Police Act of 1998. These can be cases of human rights violations during arrest or any form of abuse of power by the police against members of the public. The filtering of cases of complaints against police misconduct, violation of human rights and abuse is a bit difficult because these cases have to be referred to the PCA by the Minister. The first place of original jurisdiction has to be the Minister's office. In cases where violations exist, the PCA cannot be ceased with the matter until the Minister has referred it to the PCA.

The Ombudsman

77. Office of the Ombudsman was established through the Constitution of 1993 under section 134(1). Its enabling legislation was enacted in 1996 through the Ombudsman Act No. 9 of 1996. The Ombudsman is appointed by the King, acting on the advice of the prime Minister for a term of four years, renewable only once. The Ombudsman reports directly to the Parliament on the office's activities through annual reports and special reports whereby there has been non-compliance to the Ombudsman's recommendations and systemic issues or complaints that might be of public interest. The establishment list presently stands at 35 majority being support staff. The Ombudsman heads the office and has an Assistant whose mandate is purely administrative.

78. The office is mandated to deal with maladministration, corruption, injustice, human rights and environmental issues against government agencies, statutory corporations or officials and employees of such agencies or corporations. However, the power to investigate is limited by section 19 in that the King, Parliament, Cabinet, Courts of law, the Public Service Commission and Statutory Tribunals may not be investigated by the Ombudsman. Apart from the powers incidental to his investigative duties, the Ombudsman has powers of entry and inspection of police, military, government hospitals and asylum centres where any person may be detained for safe custody. There is nonetheless an exception regarding Courts and Public Service Commission as the office can investigate where there is undue delay and allegations of corruption. To enhance the institution's effectiveness, the office, through its submissions to the National Reforms Authority, has proposed that the office be autonomous and that the Ombudsman's recommendation be legally binding.

The Directorate on Corruption and Economic Offences

79. The Directorate on Corruption and Economic Offences (DCEO) was established as an oversight body to instil accountability and transparency in the management and disposal of public assets. The Government enacted through Parliament the Prevention of Corruption and Economic Offences Act 1999, set up the DCEO and empowered it to investigate suspected corruption cases. Since its operation, the DCEO has strengthened internal procedures and controls to deter corruption and facilitate detecting and prosecuting corrupt practices. The DCEO has identified core functions of specific offices in Ministries targeting those prone to corruption, and recommending ways and means to curb potential corrupt practices. The Prevention of Corruption and Economic Offences (Amendment) Act no. 8 of 2006 introduced the declaration of assets and income by all those in the public service. It provided further operational autonomy to the Directorate.

II. General Framework for the Protection and Promotion of Human Rights

A. Acceptance of International Human Rights Norms

80. Lesotho is a state party to all the nine main/major international human rights instruments as per the table below:

<i>Treaty</i>	<i>Date of Ratification/Accession</i>	<i>Acceptance of Complaints Procedure</i>	<i>Acceptance of Inquiry Procedure</i>
CERD	4 Nov. 1971 (a)	N/A	
CRC	10 Mar 1992	NO	
OP – Armed Conflict	24 Sept 2003		
OP – Sale of Children	24 Sept 2003		
ICCPR	9 Sept 1992	06 Sept 2000	
ICESCR	9 Sept 1992	NO	
CEDAW	22 Aug 1995	24 Sept 2004	24 Sept 2004
CAT	12 Nov 2001	N/A	12 Nov 2001
CMW	16 Sept 2005	N/A	
CRPD	2 Dec 2008	NO	
CED	06 Dec 2013		06 Dec 2013

81. Lesotho only has a reservation regarding the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), to which it became a party in 1995. The said reservation relates to Article 2 of CEDAW, which reads as follows:

“The Government of the Kingdom of Lesotho does not consider itself bound by Article 2 to the extent that it conflicts with Lesotho’s constitutional stipulations relative to succession to the Throne of the Kingdom of Lesotho and the law relating to succession to chieftainship. The Lesotho Government’s ratification is subject to the understanding that none of its obligations under the convention especially in Article 2 (e) shall be treated as extending to the affairs of religious denominations. Furthermore, the Lesotho Government declares it shall not take any legislative measures under the Convention where those measures would be incompatible with the Constitution of Lesotho.”

82. The legal system of Lesotho is such that international instruments do not automatically apply or take effect upon ratification. They only come into effect after they have been incorporated into national laws through an Act of Parliament. This reservation is a clear manifestation of the pace of change being dictated by the tempo of the evolution of traditions of the society. Therefore, an elected government must be sensitive to the society’s traditions that form the electorate. In 2004, Lesotho withdrew from the reservation, and the text was indicated in italics in the statement above. Thus, the reservation to the Article remains valid only with regard to succession to the throne and chieftainship.

83. In its declaration of succession of 20 May 1958, the United Kingdom signed and ratified the four Geneva Conventions on international humanitarian law as part of international humanitarian standards binding on Lesotho. These are the Convention Relative to the Treatment of Prisoners of War of 12 August 1949, Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea; Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, and Convention relative to the Protection of Civilian Persons in Time of War.

84. Lesotho became bound by these conventions retrospectively as of 4 October 1966, the date on which Lesotho became independent. Lesotho also acceded to the Additional Protocols to the four Geneva Conventions in 1977. These are on the protection of historical, cultural and artistic monuments, including national symbols, during situations of internal armed conflict and external armed conflict. At the national level, an ad hoc national committee for humanitarian law was set up in March 2001. It comprises representatives from ministries such as Foreign Affairs, Defence, Law, Justice, Home Affairs, Health, Education, the Police Service and Justice, including the Lesotho Red Cross Society. This committee has played a pivotal role in advising the Government on matters relating to the ratification of humanitarian conventions; establishing education and training programmes; preparing studies on international humanitarian law; identifying and preparing measures for the implementation of international humanitarian law, including the monitoring of the implementation of international humanitarian law.

International Labour Organizations Conventions

85. Lesotho is a member of the International Labour Organisation – ILO, and a party to most of its instruments on the minimum standards of labour relations and the protection of workers' rights. Lesotho has made a tremendous effort towards promoting and implementing the various international labour standards to which she is a party. Lesotho has a robust labour law framework at the domestic level. The Labour Code Order 1992 is the core national legislation on laws relating to and regulating employment matters in Lesotho. The Labour Code (Amendment) Act 2000 established the Labour Appeal Court and defined the court's jurisdiction, including the legal mandate. The act further amends the order to establish the Industrial Relations Council and the Office of the Directorate of Dispute Prevention and Resolution (DDPR), which provides for the conciliation and arbitration of disputes. Public Officers are governed by the Public Service Act of 2005. The act provides for the freedom of association by public officers through association formation, not trade unions. Currently, there are three trade union centres and forty-three unions.

86. Although there seems to be a satisfactory record on the status of ratification of the ILO instruments, workers in the textile industry are faced with challenges that emanate from their employers. Such challenges include privacy and confidentiality of medical reports as basic issues of human rights where there are actual medical diagnoses of HIV/AIDS. Female workers have raised concerns about the adequacy of maternity leave, which in some cases was said to be as short as one week, as distinct from the legally mandated three months period.

Sustainable Development Goals (SDGs)

87. Lesotho is highly committed to implementing the 2030 Agenda for Sustainable Development. This commitment is operationalized through the National Strategic Development Plan II (NSDP II), 2018/19 – 2022/23, which aligns with the African Union Agenda 2063 and the SADC Regional Indicative Strategic Development Plan. SDGs reflect Basotho's aspirations to live in a country of stable democracy, a united and prosperous nation at peace with itself and its neighbours, with a healthy and educated human resource base.

88. Lesotho recognizes the interrelatedness and indivisibility nature of SDGs. For example, with effective implementation of programs on climate change mitigation and adaptation (SDG 13), Lesotho will reduce poverty and hunger and create decent jobs (SDGs 1, 2, 8), and reduce inequalities and gender-based violence (SDGs 10, 5). With reduced poverty, hunger and increased decent jobs, Basotho will have access to improved universal health and education services (SDG 3, 4), clean water and sanitation and affordable energy (SDG 6, 7). Addressing the indivisibility nature of SDGs requires effective institutions and access to justice (SDG 16) and effective partnerships, including adequate financial resources (SDG 17). From this understanding, Lesotho developed the National Strategic Development Plan II, a human development-oriented instrument for prioritization, implementation, monitoring and reporting on SDGs.

Developments in the Judicial Sector

89. The Civil Legal Reform project component under the Millennium Challenge Account: Lesotho and the US Millennium Challenge Corporation have implemented a programme to

improve the private sector. The civil legal reform project centres on improving commercial court operations, introducing the Alternative Dispute Resolution Mechanism– ADR, the small claims court, and improving case management for civil, criminal and commercial cases. Through this assistance, the Judiciary, with the enactment of the Judiciary Administration Act 2011, was transformed and afforded the independence as envisaged by the Constitution.

Ratification of regional human rights conventions

90. The African Charter on Human Rights and People’s Rights (ACHPR) of 1981 was ratified at the regional level in 1992. The initial report was presented in 2002, and her overdue second periodic report was presented in 2019, together with the initial report on the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol). The African Charter on the Rights and Welfare of the African Child (ACRWAC) was ratified in 1999. The initial report was presented in 2015, while a periodic report was introduced in May 2023. Lesotho has further ratified the Protocol to the African Charter on the Rights of Older Persons, a commitment to the SDGs of ‘leaving no one behind’.

B. Legal Framework for the Protection of Human Rights at National Level

91. The Government places a high premium on respect for promoting and protecting human rights. Fundamental human rights and freedoms, otherwise called civil and political rights, are protected in chapter II of the 1993 Constitution of Lesotho, which is the supreme law of the land. They include the right to life, the right to personal liberty, freedom of movement and residence, freedom from inhuman treatment, freedom from slavery and forced labour, freedom from arbitrary search or entry, the right to respect for private and family life, the right to fair trial, freedom of conscience, freedom of expression, freedom of peaceful assembly, freedom of association, freedom from arbitrary seizure of property, freedom from discrimination, the right to equality before the law and equal protection of the law, and the right to participate in Government.

92. The socio-economic rights are contained in Chapter III of the Constitution and are referred to as principles of state policy. They are, however, not enforceable by any court but are subject to Lesotho’s economic capacity and development. These include protection of health, provision for education, and opportunity to work, just and favourable conditions of work, protection of workers’ rights and interests, protection of children and young persons, rehabilitation, training and social rehabilitation of disabled persons, economic opportunities, participation in cultural activities and protection of the environment.

Derogation, Limitation, Restriction and Claw-back Clauses

93. With respect to derogation, the Constitution provides in section 21 (1) that in certain circumstances, derogation from the Constitution may be allowed by law, being when there is a declaration of a state of emergency and where/when there is war in the country. This, therefore, limits certain fundamental freedoms and rights of Chapter II.

Incorporation of international human rights treaties into the national legal system

94. Lesotho follows the English common law approach observed in most States of the British Commonwealth, whereby international conventions and covenants are not invoked directly in domestic courts, that is, they are not self-executing. They have to be transformed into internal laws by Parliament or administrative regulations by administrative bodies in order to be enforced. However, being party to the Commonwealth Bangalore Principles of 1989 and the Harare Declaration of 1990, which provide for the incorporation and interpretation of human rights norms, where the domestic law is silent on a legal issue or inconsistent or non-protective of an individual’s human rights, resort may be made to international human rights standards for purposes of interpretation and protection. However, the provisions of the different treaties are affected through various legislations, which remains a challenge.

95. It is thus within the proper nature of the judicial process for national courts to have regard to international human rights norms, whether or not incorporated into domestic law,

to resolve ambiguity or uncertainty in national constitutions and legislation. The Labour Code no. of 9 1992 provides in section 4 (c) that “in case of ambiguity, provisions of the code and of any other rules and regulations made there-under shall be interpreted in such a way as more closely conforms with provisions of conventions adopted by the conference of International Labour Organisation, and of recommendations adopted by the Conference of the International Labour Organisation.”⁹ This section outlines explicitly that where national laws on labour standards are silent, international labour standards shall apply. ILO Conventions not ratified by Lesotho may also be resorted to where they can resolve the ambiguity in the domestic legislation.

96. In some cases, national courts have referred to the various international human rights instruments. These include:

(a) *Molifi Tšepe vs IEC CIV/APN/11/05 CC*: The court stated that measures must be taken to implement the provisions of the ICCPR to ensure the attainment of equality, which is temporary and aimed at eliminating inequality in a specified segment of society. Preceding the local government elections in 2005: the appellant brought a case claiming violation of his constitutional right to stand for elections. His claim was based on the premise that the Local Government Elections (Amendment) Act 2004, which reserved 30% of all electoral divisions to be contested by women only, was discriminatory based on sex. He lost the case on grounds provided for by Sections 18 (4) (e) and 26 of the Constitution. The judgement refers to CEDAW in that Lesotho is a State Party to the Convention which recommends adopting special temporary measures to redress discrimination against women. The action taken under the Elections Act was a form of positive discrimination and affirmative action.

(b) There is at least one case in which a national court has referred to the CRC as a guiding instrument. For example, in the case of *R v Malefetsane Mohlomi et al. [2013] LSCH 27* regarding the Children’s Protection and Welfare Act (CPWA), the High Court of Lesotho noted that the “content and form of the CPWA should be perceived against the background of The 1989 United Nations Convention on the Rights of the Child (CRC), the 1990 African Charter on the Rights & Welfare of the Child (ACRWC), other international instruments, protocols, standards and rules on the protection and welfare of children to which Lesotho is a signatory.” It also said that a “further contextual indication by Parliament is that the international instruments referred to in the section, should provide a philosophical and inspirational guidance in the background. This is to be so whenever the welfare or the justice of the child is to be considered.”

(c) *Peta vs Minister of Law, Constitutional Affairs and Human Rights CC/11/2016*: Application to declare sections 101, 102 and 104 of the Penal Code Act no.6 of 2010 inconsistent with the Constitution. The court held: on account of the impugned sections’ over breadth, the vagueness of the concepts used, the availability of civil remedies and the overall undesirability of criminalizing defamation, they are declared inconsistent with section 14 of the Constitution. Further, the declaration of invalidity shall operate retrospectively. Section 14 does not confer absolute and unconditional freedom of expression. Freedom of expression must be enjoyed without prejudicing the rights of other persons, which is why under section 14(2), the Constitution allows for the promulgation of laws which may curtail freedom of expression for the sake of protecting matters itemized in that subsection which include among others, individuals’ reputational interests. This model of guaranteeing a right and providing circumstances for its curtailment is based on Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

97. With a view to domesticating the rights enshrined in various treaties, several laws have been enacted to effect such treaties. Examples include:

(a) Labour code order No. 24 of 1992 prohibits discrimination and provides equal workplace opportunity and treatment.

(b) Speedy Courts Trial Act 2002 protects offenders’ rights to a fair trial within a reasonable time.

⁹ Labour Code no.24 of 1992.

(c) Sexual Offences Act 2003, which prohibits discrimination in its application and recognizes marital rape as an offence.

(d) Local Government Elections (Amendment) Act 2004, which reserves 30% of constituencies to women to increase their participation in political and decision-making positions.

(e) Legal Capacity of Married Persons Act 2006, which removes the minority status of women in the community of property and marital power of the husband over the person and property of the joint estate.

(f) Education Act 2010.

(g) National Assembly Electoral Act 2011 gives effect to the right to vote and stand for elections and provides for periodic elections.

(h) Administration of Judiciary Act 2011 gives the judiciary independence and autonomy to discharge its duties effectively.

(i) Disability Equity Act 2021 prohibits discrimination against this group and provides for the disability grant, amongst other issues already being implemented.

(j) Witness Protection Act 2021, just enacted by parliament, intended to establish a witness protection program by DPP to provide for witnesses' protection, safety and welfare in criminal proceedings. Witnesses usually shy away from giving evidence, fearing for their lives.

(k) Counter Domestic Violence Act 2022 criminalizes domestic violence and protects all victims of domestic violence.

(l) Harmonization of the Rights of Customary Widows and the Legal Capacity of Married Persons Act of 2022 which abolished the customary practice that widows married under customary law shall not have the right to inherit the land and replaced it with the right to inherit land despite their marriage regime.

Judicial and other administrative competent authorities having jurisdiction over human rights:

98. The 1993 Constitution provides for the judicature in chapter XI. Section 118 (1) confers judicial power to the courts. It states that the judicial power shall be vested in the courts of Lesotho, which shall consist of:

(a) The Court of Appeal.

(b) The High Court.

(c) Subordinate courts and courts-martial.

(d) Such tribunals exercise a judicial function as may be established by Parliament.

99. In subsection (2), the Constitution guarantees the independence of the judiciary when it provides that the courts shall, in performing their functions under the Constitution or any other law, be independent and free from interference and subject only to the Constitution and any other law. Subsection (3) provides that the Government shall accord such assistance as the courts may require to enable them to protect their independence, dignity and effectiveness, subject to the Constitution and any other law.

The Court of Appeal

100. The Court of Appeal was established by section 123 (1) of the Constitution, which states that there shall be for Lesotho a Court of Appeal which shall have jurisdiction and powers as may be conferred on it by the Constitution or any other law. The judges of this court include the President and such number of justices of appeal as may be prescribed by Parliament. The Chief Justice and puisne judges of the High Court are ex officio (sect. 123 (2) (a) and (b); see Court of Appeal Act No. 10, 1978). The King appoints the President of the Court on the prime minister's advice. Section 123 (5) allows the Court of Appeal to sit outside Lesotho. This is due, inter alia, to the fact that there are no indigenous judges of the

Court of Appeal; most of them are from South Africa. The justices of the Court of Appeal are appointed by the King on the advice of the Judicial Service Commission after consultation with the President of the Court (sect. 124 (1) and (2)). A justice of the Court of Appeal must have held office as a court judge with unlimited jurisdiction in civil and criminal matters in the Commonwealth or in any country outside the Commonwealth that Parliament may prescribe or a court having jurisdiction in appeals from such a court. Such a person must have held such qualification for not less than seven years (sect. 124 (3) (a) (i) and (ii)).

The High Court

101. The High Court was established by section 119 (1) of the Constitution. It reads: “There shall be a High Court which shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings and the power to review the decisions or proceedings of any subordinate or inferior court, court-martial, tribunal, board or officer exercising judicial, quasi-judicial or public administrative functions under any law and such jurisdiction and powers as may be conferred on it by this Constitution or by or under any other law” (see The High Court Act No. 5, 1978).

102. The judges of the High Court are the Chief Justice, who is appointed by the King acting in accordance with the advice of the Prime Minister (sect. 120 (1)), and the Puisne - Judges, who are appointed by the King acting under the advice of the Judicial Service Commission. To be eligible for appointment as a judge of the High Court, one must either have held the office as a judge of a court having unlimited jurisdiction in criminal and civil matters in a Commonwealth country or country prescribed by Parliament (sect. 120 (3) (1)) or must have been a legal practitioner in terms of the Legal Practitioners Act, 1983 for a period of not less than five years (sect. 120 (ii) and (b)).

Subordinate courts, courts-martial and tribunals:

103. These courts were established under section 127 of the Constitution of 1993, which states that Parliament may establish courts subordinate to the High Court, courts-martial and tribunals, and any such court or tribunal shall, subject to the provisions of the Constitution, have such jurisdiction and power as may be conferred on it by or under any law (see, e.g. The Subordinate Courts Order No. 9 of 1988, Central and Local Courts, Proclamation No. 62 of 1938).

104. The subordinate courts and tribunals are precluded from interpreting provisions of the Constitution. If a subordinate court or tribunal is seized with the matter, and where any question as to the interpretation of the Constitution arises in any proceedings if the subordinate court or tribunal is of the opinion that the question involves a substantial question of law, the subordinate court or tribunal shall, if any party to the proceedings so requests, refer the question to the High Court (sect. 128, Constitution).

The Labour Court

105. The Labour Court was established under the Labour Code Order No. 24 of 1992, in terms of section 22 (1). It is presided over by a president appointed in terms of section 23 (1) (a). There is also provision for the appointment of deputy presidents as the Minister may consider necessary, as well as the appointment of two ordinary members (see sect. 23 (1) (b) and (c)). The Labour Court, under section 24, has the power, authority and civil jurisdiction to, inter alia, inquire into and decide the relative rights and duties of employers, employees and their respective organizations in relation to any matter referred to the Court under the provisions of the Code, and to award appropriate relief in cases of infringement.

The Public Service Commission

106. The Public Service Commission is a competent authority with jurisdiction affecting human rights. The Commission was established under Chapter XIII, section 136 (1), of the 1993 Constitution, which states that there shall be a Public Service Commission which shall consist of a chairperson and not less than two or more than four other members, who shall be appointed by the King, acting in accordance with the advice of the Judicial Service

Commission. The Commission is charged with the responsibility of appointing public officers. Section 137 (1) provides that subject to the provisions of the Constitution, the power to appoint persons to hold or act in offices in the Public Service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall be vested in the Commission.

The Judicial Service Commission

107. The Judicial Service Commission is established in terms of section 132 (1) of the Constitution, which states that there shall be a Judicial Service Commission which shall consist of:

- (a) The Chief Justice, as Chairman.
- (b) The Attorney-General.
- (c) The Chairman of the Public Service Commission or some other member of that Commission designated by the Chairman thereof.
- (d) A member appointed from amongst persons who hold or have held high judicial office who shall be appointed by the King acting in accordance with the advice of the Chief Justice and is hereinafter referred to as the appointed member.

Remedies for rights violations:

108. Individuals who claim their rights have been violated have the right to approach the particular institution for redress. If this fails, they can go to courts of law for enforcement of their rights. With regards to victims' right to effective remedies, full reparation and adequate compensation, an example is the case of Lisebo Tang, who the LDF members murdered. Following the incident, LDF committed to cover all the funeral expenses, build her two-roomed house for her child and pay for the deceased child's school fees and groceries, a duration which was never discussed. LDF continued to carry out the commitments until 2018, when the payments for school fees and groceries suddenly ceased. Further engagement with the LDF was not fruitful, and as a result, in 2022, the mother of the deceased approached the office of the Ombudsman on the matter. In January 2023 a settlement was reached that LDF pay a further M300,000.00 as a reasonable and justifiable compensation/redress for loss of support.

Office of the Ombudsman

109. The Office of the Ombudsman was established under Section 134 of the Constitution. The Ombudsman is viewed as complementing the work of the Judiciary. It provides authoritative albeit informal and speedy procedures that render quick access to addressing complaints and settling disputes. The Ombudsman has a constitutional and legal mandate emanating from the Ombudsman Act 1996 to investigate actions of maladministration by administrative officers and protect the rights of individuals who believe to be victims of unjust acts perpetrated by the Government and Statutory Corporations. It has intervened on claims of compensation lodged by persons relocated to new areas due to major infrastructure construction, such as the Lesotho Highlands Development Authority (LHDA), on reinstatement of unduly suspended employees from their duties and on the enforcement of judgments. It has also undertaken awareness-raising activities through public gatherings and radio programmes on human rights and maladministration issues.

110. The Ombudsman has, under the provisions of Section 10 (b) of the Ombudsman Act, carried out inspections of police and military cells, all Correctional Institutions and establishments, as well as Government hospitals and, on that basis, made appropriate recommendations.

Probation Unit

111. Probation Unit safeguards the rights and welfare of young offenders (from age 14-18 years) and protects communities from offending behaviour. It does that by promoting non-custodial sanctions, including restorative justice processes. Probation work entails compiling

various court reports such as Pre-Sentence Reports, Social Enquiry Reports, Age Assessment Reports, and Mediation Reports mostly for young offenders and child victims. It also involves the supervision of offenders on community-based sanctions. Probation clientele includes. Children in conflict with the law, Children at risk of offending, Child witnesses, Child victims and Adults sentenced to community service.

Department of Social Development

112. The objectives of the Department of Social Development are to formulate policy and strengthen legal frameworks for facilitating the social development of the poor and marginalized groups, oversee the provision of social development services to foster universal and equitable access to all poor and vulnerable groups, protect and promote the rights of all poor and vulnerable groups to ensure that their basic needs are met, advocate and lobby for prioritization of the needs of the poor and vulnerable groups in the national development agenda and all aspects of life, and to develop and promote innovative, evidence-based interventions and approaches to Social Development, amongst others. These are done to promote and protect the rights of vulnerable groups such as children, the elderly, and people with disabilities.

Department of Gender

113. The Department of Gender is a department under the Ministry of Gender and Youth, Sports and Recreation tasked with advocating, promoting, and nurturing gender equality. The Department has already achieved the following: an outreach centre for abused women and children, which provides a short-term refuge for abused women and children by providing basic medical, counselling and psychiatric services; advocacy programmes to curb gender-based violence and with the support of Millennium Challenge Account-Lesotho, advocates for reform of existing laws to remove discrimination and for the enactment of laws to end gender-based violence.

Human Rights Unit

114. Human Rights Unit was established in 1995 within the Ministry of Justice, Human Rights and the Correctional Service. The Unit aims to inculcate a culture of observance and respect for human rights. The Unit receives complaints from the public and undertakes investigations of alleged human rights violations and makes referrals; undertakes human rights awareness-raising activities and reviews legislation and policies for compatibility with developments in the international sphere. The Unit has facilitated human rights training for law enforcement agencies, members of Parliament and the Inter-Sectoral Committee on Human Rights and has commemorated international human rights day annually.

Police Complaints Authority

115. The Police Complaints Authority (PCA) is one of the institutions that promotes and protects human rights in Lesotho. It is established under Police Service Act 1998.¹⁰ PCA has the authority to investigate and report to the Police Authority or the Commissioner in respect of any complaint from a member of the public about the conduct of a member of the Police Service with regard to corruption and human rights. The authority aims to assist in effective policing and observance of human rights by the police service.

116. To facilitate the accessibility of services, the Authority has signed Standard Operating Procedures, which assist in circumventing the problems associated with lodging complaints against the police with the Minister or the Commissioner. These procedures allow the submission of complaints to police officers in the districts, who then forward the complaints to PCA for investigation. PCA collaborates closely with the police and has held training workshops on human rights protection, stock theft and customer care. Their success depends on reports that reflect compliance with human rights by the police service.

¹⁰ Section 22 (1).

Directorate on Corruption and Economic Offences

117. The Directorate on Corruption and Economic Offences (DCEO) has been established by the Prevention of Corruption and Economic Offences Act 1999. It is a body whose core business is to fight corruption and economic offences. The mandate of DCEO entails public education, prevention and investigations. DCEO educates the public against the consequences of corruption, soliciting and fostering public support in the fight against corruption. The prevention aspect entails examining practices and procedures of public bodies to strengthen operational systems to reduce the opportunities for corruption. DCEO is responsible for investigating complaints or allegations of corruption and economic offences and refers matters that warrant prosecution to the Director of Public Prosecutions for directives.

The People's Matrix Organization

118. The organization supports the entitlement of all individuals, without discrimination, to enjoy the full range of human rights. The promotion and protection of human rights features as one of the key objectives of the organization. Objectives are to:

- (a) Advocate and lobby for the political, sexual, cultural and economic rights of people with diverse sexual orientation, gender identity and expression (SOGIE) in Lesotho.
- (b) Eradicate stigma and discrimination on the bases of SOGIE in Lesotho.
- (c) Build and strengthen voices and visibility through research, media and literature, and full participation in local and international fora.
- (d) Build a strong and sustainable community of people with diverse orientations, gender identity and gender expression in Lesotho, supporting the development of national organizations working on the same issues in Lesotho and internationally.
- (e) Represent the interests of people with diverse sexual orientations, gender identity and gender expression.

Phuthi Association, known as Libadla le Baphuthi

119. SiPhuthi is spoken by a few thousand ebaPhuthi, most of whom reside in southern Lesotho. Intergenerational language transmission – in which children acquire siPhuthi from their parents and grandparents – is confined to two remote river valleys, Daliwe and Sinxondo. Even in these two valleys, when ebaPhuthi marry Basotho or amaXhosa, siPhuthi is often no longer used in the home environment. In these mixed marriages, children grow up speaking Sesotho or isiXhosa as their main language. Against this background, the Association has, for over a decade, been pursuing its passion and working as a team to support marginalized communities in documenting and revitalizing their threatened language. The association has been recording siPhuthi narratives, conversations, interviews, folktales, oral histories and poems for present and future generations. With support from Donors, the association is working on producing a quadrilingual siPhuthi-Sesotho-isiXhosa-English dictionary, which will serve as a basis for developing learning and teaching materials for siPhuthi. Through the Human Rights Unit, the Government has commemorated international human rights day in 2021 and 2022 with this group, amongst others, in recognition of their existence in Lesotho. Further, there is a commitment from the Government to translate the Universal Declaration of Human Rights (UDHR) into siPhuthi for wider dissemination, just as it has been translated into Braille and Sesotho.

Home Affairs – Refugees Coordinating Unit

120. This Unit was established by the Refugees Act of 1983. Its mandate is to manage refugees and asylum-related matters in Lesotho. The Unit also coordinates issues relating to internally displaced people in the country. It has a mandate relating to the coordination of migration issues through the National Consultative Committee on Migration and Development, coordination of trafficking in person activities through the multi-sectoral committee on TIP, smuggling of migrants, management of TIP data collection tool, which is based on the TIP Secretariat at the Ministry of Home Affairs. This regional tool is

administered by the United Nations Office on Drugs and Crime (UNODC) in Pretoria, South Africa.

Victims of Crime Support Office

121. Victims of Crime Support Office was established within the Maseru Magistrates Court in 2006. The Office provides practical and emotional support to victims. It informs victims of their rights and role in criminal justice. It provides counselling and, referrals, information regarding the mechanisms of the criminal justice process, including the status of their cases. It also provides information on redress through formal and informal justice procedures and protects the victim from intimidation and further victimization. The challenge of formulating policy and putting legislation specifically meant to protect the rights of victims of crime and establishing a relevant office is recognized—however, limited capacity accounts for the delayed action.

Child and Gender Protection Unit

122. Child and Gender Protection Unit (CGPU) was established in 2002 as a specialized unit within the Lesotho Mounted Police Service (LMPS) under the Ministry of Home Affairs to respond to the increasing violence against women and children. The Unit provides a user-friendly reporting environment that ensures confidentiality between victims and police; promptly responds and investigates all cases involving vulnerable groups, including children and victims of gender-based violence. The Unit is operational in all police districts. CGPU raises awareness through media, public gatherings, and church and school visits on the rights and responsibilities of children and women and safeguards their rights.

Regional human rights court or other mechanisms:

123. Lesotho does accept the jurisdiction of regional human rights courts and other mechanisms. The landmark case of Senate Gabasheane Masupha relating to succession to chieftainship is pending before the African Commission after she lost within the local remedies.

124. The African Court on Human and People's Rights paid a sensitization visit to Lesotho in 2015 to popularize the Protocol on the African Court and how citizens can access it. No case has been referred to this court as yet. The African Commission on Human and Peoples' Rights in September 2012 visited Lesotho on a promotion mission through the Special Rapporteurs on Freedom of Expression and Access to Information in Africa and Prisons and Places of Detention in Africa. The promotional mission's objective was to assess the human rights situation in general and promote the African Charter by exchanging views and sharing experiences. In October 2018, the Unit hosted the Commissioner responsible for Lesotho, the Chairperson of the Working Group on Rights of Older Persons and Persons with Disabilities from the African Commission. His mission included disseminating the African Charter and follow-up on the national report on the African Charter.

125. Lesotho has also cooperated with the special procedure mechanisms of the UN Human Rights Council. Some examples are as follows:

(a) Visit by the United Nations Special Rapporteur on Safe Drinking Water and Sanitation: The Special Rapporteur undertook a mission to Lesotho in February 2019. The mission's objectives included, amongst others, reviewing how Lesotho was implementing the right to safe drinking water and sanitation and making recommendations thereof. The report was tabled during the 42nd session of the Human Rights Council in September 2019.

(b) Study Visit by the United Nations Expert Mechanism on the Right to Development: the study visit was undertaken in January 2023 and focused on how constructive engagement between non-State actors could contribute to realising the right to development of local communities affected by major development interventions. The Letšeng Diamond Mine and the Lesotho Highlands Water Project (Phase II) were the two development intervention studies. The study report is yet to be presented before the 54th Session of the Human Rights Council in September/October 2023.

C. Framework within which Human Rights are promoted at the National Level

Human Rights Unit

126. In an effort to strengthen the Government of Lesotho's institutional capacity and coordinate its aid development assistance, the United Nations Development Programme (UNDP) supported the Human Rights Unit (The Unit) through various Programmes/Projects since 2007, namely, the Consolidation of Democracy and Good Governance Programme (CDGG), Programme on Reform of Governance, Rights and Empowerment for Sustained Stability (PROGRESS) and the current Programme on Renewal and Enhancing Governance Architecture (PREGA). The programme, amongst others, assists the Government in attaining its objectives as spelt out in the National Strategic Development Plan II. Other Partners that have supported the Unit include the Office of the High Commissioner for Human Rights (OHCHR), which has assisted the Unit with capacity building on State Party reporting and the establishment of the National Mechanism for Implementation, Reporting and Follow-up (NMIRF) and training of members thereto, UNAIDS supported with Legal Environment Assessment (LEA), Commonwealth Secretariat with enhancing the capacity of NMIRF so that it would compile quality state party reports.

127. With a three-pronged mandate of promotion, protection and monitoring of human rights in the country, the Unit is continuing to receive support from development partners, as mentioned above, to assist it in carrying out its mandate efficiently and effectively.

National Human Rights Institution

128. Since 2007, the Unit facilitated the establishment of the Human Rights Commission (HRC). This saw the HRC being legally established through the 6th Amendment to the Constitution in 2011. In 2016 the enabling Legislation and Regulations of the HRC were enacted to operationalize it. However, the CSOs took the Government to court regarding the 2016 HRC Act on the basis that it is not Paris Principles compliant. An out-of-court settlement was reached to amend the Act. This, therefore, stalled the operationalization processes. To amend the said enabling legislation, first there had to be an amendment to the Constitution as some of the provisions the CSOs were not satisfied with were also contained in the Constitutional 6th amendment, for example, issues relating to appointment and dismissal of the commissioners, number of commissioners envisaged.

129. The Constitutional amendments relating to the Human Rights Commission are contained in the Omnibus Bill 2022. Once this Bill is promulgated, the amendments to the law operationalizing the Commission will also be before the Parliament. On the other hand, from 2019 - 2021, whilst awaiting both amendments, the Unit, with the support of UNDP and OHCHR, continued to hold sensitization workshops in the three regions of the country for District Administrators, Principal and Area Chiefs and Local Councillors on the work of the envisaged HRC. The envisaged HRC will have thematic desks such as gender and equality, children's rights, and disability rights, to mention but a few. It is going to be independent and autonomous, with direct budget allocation from Parliament, where it will be reporting for all its work.

Dissemination of human rights instruments

130. Through awareness, educational and advocacy programs, the human rights instruments ratified by Lesotho are also the subject of discussions. Some of these instruments have been translated and or simplified. The Unit does not have a sufficient budget to translate all the instruments, but it is among the commitments.

131. The mandate to promote human rights is carried out through the dissemination of information on human rights to various sectors, which include law enforcement agencies; secondary and high school teachers, Members of Parliament, the Judiciary, non-governmental organizations/Civil Society Organizations; Law Enforcement Agencies; vulnerable and marginalized groups such as the minority in a language group, the LGBTI, women, senior citizens (elderly), youth and inmates; and other interested groups and the

public at large. This is done in collaboration and working together with these groups. The Unit commemorates International Human Rights Day every year with the UN's support.

132. The Government Line Ministries have a website as a public information platform on which each promotes its work and what it is doing to promote and protect human rights. The Ministry of Education and Training sets the curricula - all schools must conform to them to get accredited. The education policy, which has covered and mainstreamed human rights, is one of the guiding tools for schools. As such, schools have a module on human rights in one of the subjects.

133. The Unit holds workshops, seminars, awareness, advocacy and educational campaigns where media is always part of the engagements. It is done with a view that they are ones to cover the events and report back to the public in simpler forms for wider dissemination of human rights issues.

The role of CSOs and NGOs

134. In Lesotho, there are many Civil Society Organizations (CSOs) and Non-Governmental Organisations (NGOs) operating which assist in the dissemination of human rights to the general public, working under various thematic areas, and working with the Government on the promotion, protection and monitoring of human rights. These include the Lesotho Council of Non-governmental Organizations (LCN) being the mother body for CSOs, the Federation of Women Lawyers (FIDA), Women and Law in Southern Africa (WLSA), Transformation Resources Centre (TRC), Development for Peace Education (DPE), Lesotho National Federation of the Disabled (LNFOD), the Matrix Organization, Catholic Commission for Justice and Peace (CCJP) and Media Institute in Southern Africa – Lesotho (MISA) to mention but a few.

135. World Vision in Lesotho has an Advocacy section focusing on the family and the home. These projects help educate the parents on the problems of not sending their children to school, the effects of abuse on children, and promote a child protection policy. Also, the Lesotho Red Cross assists the Government, especially regarding disaster management and humanitarian issues. Many others assist in promoting and protecting human rights, such as the Beautiful Dream Society, which aids in caring for orphaned children and child victims of trafficking.

Challenges in the implementation of international human rights obligations at the national level

136. The main challenge is the treaties are not turned into a single piece of legislation but that there would be various and fragmented pieces of legislation relating to a specific treaty. As such, some provisions may be left out in domestication, which becomes a problem during implementation as treaties are not enforceable but only persuasive in the courts of law. Notwithstanding these challenges, recent trends are that the later legislations do reference being enacted to give effect to a particular treaty. An example is the Children's Protection and Welfare Act 2011 which states that it implements the CRC; The Anti-Trafficking in Persons Act 2011 in which it is mentioned that it gives effect to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Girls (Parlemo Protocol); the Disability Equity Act 2021 which refers to the fact that its objective is to give effect to the CRPD.

137. Further, the government does not have a specific human rights budget. Still, line Ministries are to include activities related to the implementation of human rights obligations in their plans and thus do not get to be prioritised as it is felt the parent Ministry to the Human Rights Unit will cover such budget. Even the Unit does not have a sufficient budget to carry out its mandate effectively and relies heavily on support from Development Partners and Donors. The other factor is that the operationalization of the Human Rights Commission is not going through. The Government is relying on the Parliament to pass the Bill that will enable the Commission to take off.

D. Reporting Process at National Level

138. Coordinating the reporting process of international and regional human rights instruments ratified by Lesotho lies with the Human Rights Unit. Before having a standing mechanism for reporting and follow-up, the Government used an ad-hoc method where a committee was formed to compile a particular treaty report. Once such a report was submitted, the committee would be disbanded. This posed several challenges as there would be follow-up on the report or the observations/recommendations from the treaty monitoring body. Also, it meant members had to be trained before they could start compilation, which meant there was no retention in membership. There was a call from the treaty bodies and the Universal Periodic Review Mechanism from as far back as 2015 that Lesotho establishes a standing mechanism which will be fully responsible for reporting on human rights instruments to which Lesotho is a state party. The Government welcomed the call and mobilised support for the mechanism from all stakeholders. This was done with both technical and financial support from the OHCHR.

139. After the approval to establish the NMRIF in August 2021, key line ministries such as Education, Health, Labour, Justice, Home Affairs, Foreign Affairs, Finance and Planning, Gender, Statistics, Local Government, Tourism, Social Development, Police Service, Correctional Service, Ombudsman, Police Complaints Authority and others were asked to nominate representatives who could serve on the NMRIF committee and assist with the data collection, write up, and collation of those aspects of the report that were relevant to their work mandate. Departments and institutions positively responded to the call, and 40 officials were nominated to the NMRIF. In July 2022, Members received capacity training with support from OHCHR and in April 2023, with support from the Commonwealth Secretariat. The training aimed to equip members with skills in compiling and following up state party reporting.

140. Once a draft report is shared with all other stakeholders, such as the line Ministries, various Civil Society Organizations, representatives from Parliament, Academia and the Media for their input and validation. Also, sometimes the report is shared with the general public through radio and television programs for them to interrogate it. Then it is shared with the Minister responsible for tabling before Cabinet and the Parliament for further inputs before its submission to the relevant treaty monitoring body. However, most reports have been discussed before Cabinet, while only CEDAW has been discussed before a relevant Parliament Portfolio Committee.

141. All relevant Stakeholders' inputs are sought through the dissemination of the recommendations once received for their inputs into the action plans for implementation; once there is a draft report, such stakeholders also get the report for their inputs and verification of information before the validation workshop where they all come together to interrogate the report. On translation and dissemination of the treaties, recommendations and publications, the relevant stakeholders responsible for implementing each does their activities as implementing partners working with the parent Ministry regarding a particular treaty.

142. In order to comply with the guidelines from treaty monitoring bodies and mechanisms, reports are circulated as widely as possible for inputs to ensure full participation by all, especially interested or affected groups, regarding the particular treaty. However, Universal Periodic Review (UPR) reports to all three cycles so far that Lesotho has undergone, report on the Convention on the Protection of All Migrant Workers and Members of their Families (CMW) and the initial fifth periodic report on CEDAW are examples of reports that have been broadcast on radio and television in addition to the workshops that are usually held to disseminate such reports. This is done before the report is submitted and after consideration of the report by a relevant treaty monitoring body. ICCPR was submitted during covid-19 under strict state-of-emergency provisions and related challenges. Thus, it wasn't easy to get the sub-committee members to present the report to the general public through radio and television to explain the report and get their input. Members participated through virtual meetings and emails, with challenges regarding the internet as members were working from home. Hence the report did not go through the provided stages before being submitted to the relevant treaty monitoring body.

The follow-up to concluding observations of human rights treaty bodies

143. Upon receipt of the concluding observations and or recommendations from treaty bodies and the Human Rights Council mechanisms, the Unit is charged with disseminating them to all various stakeholders, which include all line ministries, civil society and non-governmental organizations, academia, media, parliament, and particular members of groups affected by the instrument. This is done mostly through a workshop where stakeholders are invited. At these workshops, a work plan for implementation with responsibilities is drawn for easier progress tracking. However, in most cases, timeframes are not adhered to, or activities are prioritized due to insufficient budget.

E. Other related Human Rights Information

144. Lesotho regularly participates in international mechanisms such as the UN Human Rights Council and African Commission, where the country presents the human rights situation and follows the reporting procedures of mechanisms related to these bodies. Lesotho has been able to report under the Universal Periodic Review Mechanism in all three cycles in 2010, 2015 and 2020. The 4th cycle report is due in 2025, and the voluntary mid-term review report was submitted in March 2023. As mentioned above, Lesotho has ratified the major international human rights instruments in furtherance of her civil, political, economic, social, cultural, environmental, and ecological development. The International Covenant on Civil and Political Rights (ICCPR) initial report was presented in 1999, and the second periodic report in 2020; the International Covenant on Economic, Social and Cultural Rights (ICESCR) initial report is overdue. Convention on the Elimination of all forms of Discrimination against Women (CEDAW) initial to fourth periodic report was presented in 2011.

145. It is clear that Lesotho is lagging in her reporting obligations, which is attributed to the challenges of human resources and limited capacity on the part of the Human Rights Unit, which is responsible for coordinating the preparation of the state party reports. To overcome this challenge, Cabinet has established a National Mechanism on Implementation, Reporting and Follow-up (NMIRF) through approval in August 2021. Thus Government hopes the backlog will be addressed as members have already received capacity training with support from OHCHR and the Commonwealth Secretariat and are working on four reports: CEDAW, CAT, ICERD and CRPD, with CED to follow once the four have been finalised as the treaty body as already given a deadline of February 2024 to receive the initial report.

146. The Convention on the Rights of the Child (CRC) initial report was presented in 2001, and the periodic report in 2018. The initial report on implementing the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) is now being finalised. The initial report under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) initial report was presented in 2002. Its second periodic report is overdue, and the treaty body has issued the LOIPR and the report is now being drafted. The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) combined initial to the third report was presented in 2016 through a simplified reporting procedure, while the fourth periodic report is already overdue. Convention on the Rights of Persons with Disabilities (CRPD) initial report is outstanding. The Convention against Enforced Disappearances (CED) initial report is overdue as well.

Sustainable Development Goals Reporting

147. Lesotho has been implementing the African Union (AU) Agenda 2063 and the 2030 Agenda for Sustainable Development since their adoption in January and September 2015. The two agendas have been integrated into the national planning and budgeting processes. The country's five-year development plan, NSDP II (2018/19- 2022/23), includes programmes and projects aligned to the Sustainable Development Goals (SDGs) and AU Agenda 2063. Integrating the two agendas in the planning and budgeting processes is backed by an implementation arrangement that promotes cross-sectoral collaboration and multi-stakeholder partnerships at all levels. An overall preliminary assessment of SDGs indicated that the lessons learnt and challenges from the first review in 2019 helped Lesotho advance

on the SDG goal achievement, given the integrated and indivisible nature of the SDGs. Since the 2019 review, the country improved. However, national processes for better data collection, monitoring, reporting, and linking the budget to plans still need further enhancement. The Voluntary National Report (VNR) process revealed that many SDG targets were indirectly incorporated into existing policy documents. It was observed that the country had made notable progress in areas such as poverty reduction, gender equality, access to basic services (e.g., education), and social transfers.

III. Information on Non-Discrimination and Equality and Effective Remedies

148. The Constitution protects the fundamental human rights and freedoms in Chapter II. Section 4 (1) entitles everyone to a variety of these human rights and freedoms, including the right to equality before the law and the equal protection of the law in Section 19. Section 26 (1) of Chapter III of the Constitution of Lesotho provides that “Lesotho shall adopt policies aimed at promoting a society based on equality and justice for all its citizens regardless of race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or other status.” Sub-section (2) provides that “[I]n particular, the State shall take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in society to enable them to participate fully in all spheres of public life.” These three sections give the Government a basis for acting and taking appropriate measures to ensure equality before the law and equal protection of the law for everyone.

149. Examples of laws that have put women on equal footing with men include: the Legal Capacity of Married Persons Act 2006 has put the status of women married in a community of property on an equal footing with their husbands by removing the women’s minority status. They are no longer considered legal minors and can, therefore, perform activities which used to be restricted by law due to marital power. The Sexual Offences Act 2003 has empowered women to negotiate issues related to their well-being, particularly their sexual and reproductive rights. It also offers survivors of sexual violence legal recourse against perpetrators.

150. The Constitution in Chapter II provides for civil and political rights termed fundamental rights and freedoms. These include the freedom from discrimination in Section 18, which specifies that no law shall make any discriminatory provision except where it applies customary law on adoption, marriage, divorce, burial and devolution of property. Section 18 (4) (a) (b) and (c) allows for the application of legislation and laws, including customary laws, which are discriminatory in nature. Section 18 (4) (1) specifies that “discrimination” shall not apply to any law to the extent that the law makes provision - (a) with respect to persons who are not citizens of Lesotho; or (b) for the application, in the case of persons of any such description as is mentioned in subsection(3) or of persons connected with such persons, of the law with respect to adoption, divorce, marriage, burial, devolution of property on death or other like matters which is the personal law of persons of that description; or (c) for the application of the customary law of Lesotho with respect to any matter in the case of persons who, under that Act, are subject to that law.

151. Notwithstanding the above provisions allowing discrimination, in practice, the Government uses the Constitutional definition of discrimination. An example in this regard is the Labour Code Order 1992 which has specific sections dedicated to the definition of discrimination, compatible with that provided for in international instruments, such as CEDAW. Section 5(1) defines discrimination in the workplace as any distinction, exclusion or preference made based on race, colour, gender, marital status, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equal opportunity or treatment in employment. It further prohibits any form of discrimination in the workplace. Section 5(3) specifically prohibits discrimination on remuneration between men and women for work of equal value.

152. Although Section 18 (4) (a) (b) and (c) of the Constitution have not been amended, there are laws which have been enacted since the year 2000 that enhance the legal status of women and thereby remove discrimination that they were faced with. These laws include the

Labour Code Order 1992, which prohibits discrimination and provides equal opportunity and treatment in the workplace; The Sexual Offences Act 2003 recognises marital rape as an offence under prescribed circumstances. The Legal Capacity of Married Persons Act 2006 provides for the removal of the minority status of women married in community of property has enhanced their equal standing before the law with men with respect to economic development, and has removed the marital power of the husband over the person and the property of the wife with regard to administration of joint estate; the Land Act 2010 giving women the right to land and hold title deeds; The Children's Protection And Welfare Act 2011 protects the rights of children in Lesotho. Amongst the key principles under-laying this Act is the requirement to provide children's rights and protection measures on a non – discriminatory basis. This principle of non – discrimination is a core principle in interpreting the Convention on the Rights of the Child. The Disability Equity Act 2021 prohibits discrimination against this group and provides for the disability grant, amongst other issues; Harmonisation of Inheritance laws with the Legal Capacity of Married Persons Act 2022, which abolished the customary practice that widows married under customary law shall not have the right to inherit the land and replaced it with the right to inherit land despite their marriage regime; Counter Domestic Violence Act 2022 which criminalizes domestic violence and protects all victims of domestic violence to mention but a few.

153. The laws mentioned above demonstrate that the principle of non-discrimination is included as a general binding principle in basic law, thus prohibiting discrimination. There are instances where the law allows special measures to guarantee full and equal enjoyment of human rights. An example is the Local Government Elections (Amendment) Act 2004 reserves 30% of constituencies to women to increase their participation in politics and decision-making positions. This has been done to achieve equality between men and women in the long run.

Steps were taken to ensure discrimination is prevented in practice as applied by courts.

154. The following cases are examples of where the Courts intervened to ensure that discrimination is prevented in practice:

(a) Mokhele and others v. Commander LDF [2018], High Court: The applicants were female soldiers discharged from the army by the Commander of the Lesotho Defence Force on the grounds of pregnancy. The reason listed for the discharge of the applicants was pregnancy and an infringement of the army's Standing Order No. 2 of 2014, which states that a soldier may not become pregnant during the first five years of service. The High Court stated that the case before was a "challenge to the culture of patriarchy in the military and an assertion of sexual and reproductive rights in military service. What is being contested is the idea that female soldiers cannot bear arms and babies simultaneously and, on that account, are not fit for military purpose." The court stated that allowing the dismissal from work on the grounds of pregnancy would amount to discrimination based on sex because pregnancy affects only women. The Standing Order profoundly affected the reproductive rights, freedoms, and careers of female soldiers, and the five-year prohibition period was arbitrary in nature. The court held that the applicants must be reinstated back to their positions and ranks in the Lesotho Defence Force without any loss of benefits.

(b) Makafane v. Zhongxian Investment Pty Ltd. Labour Court of Lesotho [2014]: Her employer, the respondent, dismissed the applicant because of operational requirements. The respondent employed the applicant from 1 November 2007 until her dismissal on 24 October 2012. The applicant claimed that she was dismissed unfairly because she was pregnant. Before her dismissal, the applicant delivered a letter from the Qacha's Nek Hospital stating that she was pregnant and would be required to attend monthly clinics until she delivered her baby. The respondent dismissed the applicant, claiming that her employment could not continue because of her pregnancy. The Labour Court referred to subsection 3(d) of the Labour Code Order 24 of 1992, which provides that pregnancy, among others, does not constitute a valid reason for terminating employment. The court stated that this type of dismissal carried an element of discrimination, the freedom against which is protected by the Constitution of the Kingdom of Lesotho, the highest law of the land. The court held that the

applicant's dismissal was unfair, that the respondent must reinstate to her former position, and that the respondent pays for her lost earnings following dismissal.

Vulnerable groups

155. In addition to the reference made under the general framework for the promotion and protection of human rights at the national level (Part 2.D), the situation of specific vulnerable groups is as follows.

Persons with disabilities

156. In an effort to promote the rights of people with disabilities, the Government established the Rehabilitation Unit, which is now under the Social Development Department, to empower and rehabilitate people with disabilities. The Unit has been decentralized to all districts. There is an inclusive education program across the country alongside establishing the Special Unit at the Ministry of Education and Training. The Government is assisting and supporting teachers with visual impairment by establishing Government run vocational training centres, which provide vocational training to people with disabilities.

157. In 2005, the Government established the Community Based Rehabilitation (CBR) program with the support of the Norwegian Association of the Disabled (NAD). The Government continues supporting and sponsoring sporting opportunities for people with disabilities, the Special Olympics, Para Olympics and deaf Olympics. The Government's Information Communication Technology (ICT) Policy is disability inclusive. There is also a National Disability and Rehabilitation Policy. The Policy is used as a guidepost in designing, implementing and evaluating generic and disability-specific public policies and programs to ensure meaningful inclusion of people with disabilities into mainstream society.

158. By being a state party to the Convention on the Rights of Persons with Disabilities (CRPD), Lesotho elevated disability beyond social welfare, social care or charity to be a central issue of human rights and social development. As a result, laws have been enacted laws that protect and promote disability rights, and these include the Buildings Control Act 1995, which specifies designs of new buildings should be suitable and accessible to people with disabilities. Sexual Offences Act 2003 stipulates that it is a criminal offence to commit a sexual act in relation to or in the presence of a disabled person as defined in the Act. The Children's Protection and Welfare Act 2011 provides that no person should treat a disabled child in an undignified or discriminatory manner. The Disability Equity Act 2021 prohibits discrimination against this group and provides for the disability grant, amongst other issues, and the grant is already being implemented. The Act specifically mentions that it domesticates the provisions of the CRPD.

Children

159. The best interests of the child remain at the core of the Government's programs. Lesotho enacted the Children's Protection and Welfare Act 2011, consolidating all issues affecting children into a single piece of legislation. The Act entrenches the guiding principles of interpretation as enshrined in Convention on the Rights of the Child (CRC) as a state party, which gives context to children's rights. It further addresses children's rights and recognizes new rights and areas that need to be protected, including children's rights at the individual, family, community and state levels. It also addresses the rights of children in need of care and protection, children with disabilities, child trafficking, children in conflict with the law, and children infected with and affected by HIV and AIDS.

160. The Government has adopted several policies that enhance the protection and promotion of the rights of children and youth. These include the National Social Welfare Policy 2004, which aims to protect children in all areas of life; National Policy on Orphaned and Vulnerable Children 2005 which aims to ensure full care and support for orphaned and vulnerable children. The Government, working with the European Commission and United Nations Children's and Educational Fund (UNICEF), has introduced a child support grant to support orphaned and vulnerable children. To facilitate reporting, a child helpline, which is operational 24 hours, was established in 2009. The child helpline is housed under Lesotho

Save the Children, whose staff makes referrals of all the cases reported to relevant service providers.

161. Child labour, such as commercial exploitation of children, excessive use of children as domestic workers and exploitation of herd boys, are decisively addressed concerns. Lesotho has a draft National Action Program towards the elimination of child labour. This document describes the strategy to be followed to address such kinds of work that might be detrimental to the health and development of children. The degree of connectivity nationwide is the key to the success of this endeavour.

Women

162. In line with regional and international human rights instruments, at the national level, Lesotho has adopted measures geared towards promoting women's rights and gender equality. Under Customary Law, a woman was a perpetual minor under the guardianship and protection of a male family member. In addition, inheritance issues were discriminatory against women. Cultural practices and traditional socialization patterns inhibited women from exercising their full rights and freedoms. Lesotho has made great strides in addressing issues of discrimination against women.

163. Legal Capacity of Married Persons Act, therefore, stands as a lasting testimony to the commitment of the Government to end discrimination against women. The Act effectively eliminates discrimination against women across all walks of life. After its enactment, provisions of other discriminatory laws against married women were revisited and amended. Such laws include the Companies Act 1967, amended in 2008, which enables women to become promoters or directors of the company without having to seek their husbands' consent. The Land Act 1979 was also amended in 2010 and provided for joint title to land for spouses married in a community of property. The Legal Aid Department protects women by representing indigent Basotho women and children in legal matters. In most cases, it is those cases where they want to claim maintenance fees from their husbands and fathers, respectively.

164. On gender representation in political and decision-making leadership positions, Lesotho has 30 women (1 woman as the Deputy Speaker of the House) vis-a-vis 90 men in the National Assembly; 3 women out of a total of 15 in Cabinet; 8 women plus 1 who is the President of the House out of a total of 33 members in the Senate; 6 women out of 19 Principal Secretaries; 7 women among 15 Judges; 5 women among 13 Ambassadors'; 1 woman (Chairperson) out of 3 members of the Independent Electoral Commission. The first woman LDF Major General has been appointed.

165. The challenge of enacting legislation dealing with abortion remains. So far, it is still being dealt with under common law as a crime except in cases of necessity, including preserving a woman's life or her mental and physical health or in cases of rape or incest. Strengthened capacity would ensure expeditious action.

Prison Inmates

166. Prison Proclamation of 1957 established the Lesotho Prison Service, now called the Lesotho Correctional Service, its management and administration. In order to align itself with Fundamental Principles of the Standard Minimum Rules for the Treatment of Offenders, and the White Commission Report on Prison Conditions in Lesotho, the Government demonstrated its commitment to improving prison conditions by demolishing and reconstructing institutions that were beyond repair; by effecting major repairs to uninhabitable institutions; improving nutrition and health standards.

167. Young offenders are detained separately in juvenile detention facilities. Male and female offenders are detained in separate institutions. At the moment, there is no separate facility for pre-trial detainees. Special attention is paid to vulnerable detainees, particularly youth, elders and the terminally ill. Nursing mothers are allowed to stay with infants below two years and, in exceptional cases, up to the age of three. An amendment to the Criminal Procedure and Evidence Act was passed in 2009 to transfer mentally ill convicts to forensic hospitals. The Correctional Service has developed HIV and AIDS Policy and Strategic Plan

to improve inmates' general health and fight the spread of infectious diseases, including HIV and AIDS.

168. Speedy Courts Trial Act sets a time limit of 60 days for remanding inmates in custody and its implementation has significantly reduced prison overcrowding. Lesotho Correctional Service is confronted by the following challenges: further reduction of the prison population; improvement of prison conditions; containing the spread of HIV and AIDS pandemic, amongst others.

LGBTQI+

169. The law prohibits discrimination by state and non-state actors based on sexual orientation but does not explicitly forbid discrimination based on gender identity or expression. LGBTQI+ persons face societal discrimination and disrespect. Some parents and guardians disown their children because of their sexuality. As reported by Matrix Group Association, six parents disowned their children in 2022. As a result, through the Human Rights Unit of the Ministry of Law, Justice and Parliamentary Affairs, the Government has partnered Matrix Group to sensitise public officials on this group to create a culture of tolerance towards them and protect their rights. Matrix public sensitization campaigns reduced discrimination in access to healthcare services and participation in religious activities, and there are no reports of employment discrimination.

Elderly Persons

170. Media reports killings of the elderly and ritual killings across the country. For example, in July 2022, Ha Mokheseng villagers discovered the bodies of two older women. Their bodies had stab wounds, and their throats had been slit. The Government continues to hold gatherings to raise public awareness of the problem of elderly people abuse.

Special measures

171. Section 34 of the Constitution provides for the enjoyment of economic and social rights. It 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". Section 35 (1) provides that Lesotho shall endeavour to ensure that every citizen can participate in the community's cultural life freely and share in the benefits of scientific advancement and its application.

172. The Land Act 1979 was amended in 1992 to enable widows to own land. Section 5(2) provides that the surviving spouse is given the same rights in relation to land as her deceased husband, except in the case of remarriage because the land shall not form part of any community of property. The Legal Capacity of Married Persons Act amended the Land Act, thereby providing for joint title to land for spouses married in a community of property. The Legal Capacity of Married Persons Act addresses the social and economic benefits of persons married in a community of property. Section 7 provides that spouses married in a community of property acquire the consent of the other to obtain a loan, mortgage or any financial credit, thus repealing the minority status of women married in a community of property (Marriage Act 1974).

173. The Government has put measures in place to provide economic and social support as follows:

- (a) An Old Age pension grant for the elderly, which grants them M900.00 (\$47) per month.
- (b) Free antenatal check-ups for pregnant women.
- (c) Free immunization course for infants, thus, between the ages 0 to 5 years.
- (d) Free and compulsory primary education in all public schools.
- (e) M360.00¹¹ to orphans over three months.

¹¹ About USD 50.

Establishment of the Legal Aid Unit

174. In addition to the free and compulsory primary education strategic plan that Lesotho is implementing, the child sponsorship programme targets children at a secondary and high school level. The Government offers non-refundable educational grants to children, the Social Development Department, and teachers identified as needing financial assistance to pursue their studies. The bursary loan scheme also awards loans to persons who study at a technical and higher education level both in Lesotho and abroad. The bursaries are payable to the Government upon completion of the student's studies at a 50%, 65% or 100% rate depending on the individual's employment sector, which are the civil service, private sector or outside Lesotho, respectively.

175. The Ministry of Tourism, Culture and Environment promotes cultural identity equally among men and women. Educational institutions also celebrate cultural days where pupils and students, boys and girls, are exposed to different aspects of their culture. There is no restriction to women taking part in sporting activities. However, additional financial resources are needed to promote active sports among women.

176. The Government has another rural-based programme covering all rural districts offering entrepreneurship training. An example of such programmes is Women Entrepreneurship Development and Gender Equality (WEDGE), whose objectives include creating employment and contributing to gender equality in economic empowerment. The government has provided automated Grinding mills for rural women to ease their burden of household chores. Self-help groups and cooperatives are established and sustained amongst rural communities with limited facilities to access finance and other services. Village Loans and Savings Associations have been formed to close the gap in the absence of interaction with more formal structures. The limited interaction between banks, credit agencies, and rural communities remains challenging. Also, the pace of progress in these matters is determined by the rate of evolution of the customs and traditions of the society and the enabling capacity. The latter implies the need for additional financial resources.

Educational programmes

177. Educational, advocacy and awareness programs are held targeting various groups by the Government and in collaboration with the Civil Society Organizations to promote and protect the rights of such groups. In general, various groups enjoy their rights, although they remain vulnerable and hence continue concerted efforts.

Women's political participation

178. The Local Government Elections (Amendment) Act 2004 reserves 30% of constituencies to women to increase their participation in politics and decision-making positions. A notable case of positive discrimination brought before the courts was that of Molefi Tšepe v IEC CIV/APN/11/2005 preceding the local government elections: the appellant brought forward a case claiming a violation of his constitutional right to stand for elections. His claim was based on the premise that the Local Government Elections (Amendment) Act 2004, which reserved 30% of all electoral divisions to be contested by women only, was discriminatory based on sex. He lost the case on grounds provided for by Sections 18 (4) (e) and 26 of the Constitution. The judgement references CEDAW in that Lesotho is a State Party to the Convention which recommends adopting special temporary measures to redress discrimination against women, and the action taken under the Elections Act was a form of positive discrimination and affirmative action.

Economic, Social and Cultural Rights

179. Socio-economic rights are regarded as principles of state policy in Chapter III of the Constitution, dependent on the economic and development capacity of the country. However, Section 26 of the Constitution provides for the enhancement of the foregoing principles of state policy without discrimination thus:

(a) Lesotho shall adopt policies aimed at promoting a society based on equality and justice for all its citizens regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(b) In particular, the State shall take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in society to enable them to participate fully in all spheres of public life.

Effective remedies

180. With regards to victims' right to effective remedies, full reparation and adequate compensation, an example is the case of Lisebo Tang, who the LDF members murdered. Following the incident, LDF committed to cover all the funeral expenses, build her two-roomed house for her child and pay for the deceased child's school fees and groceries, a duration which was never discussed. LDF continued to carry out the commitments until 2018, when the payments for school fees and groceries suddenly ceased. Further engagement with the LDF was not fruitful, and as a result, in 2022, the mother of the deceased approached the office of the Ombudsman on the matter. In January 2023, a settlement was reached that LDF pay a further M300, 000.00 (\$15,798.00) as a reasonable and justifiable compensation/redress for loss of support.
