

## Responses to Recommendations

### LESOTHO

Review in the Working Group: 05 May 2010  
 Adoption in the Plenary: 21 September 2010

**Lesotho's responses to recommendations (as of 10.08.2012):**

| In the Report of the Working Group:                                                             | In the Addendum:                                                                                                                                                                                                                                                                           | During the plenary:                                                                                                                                                                                                                                                                                                                                                           | Summary:                                                            |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 87 REC accepted (among which 51 are considered as already implemented); 10 rejected; 25 pending | Out of the 25 pending, 10 were accepted, 15 were rejected, 3 were left pending (second part of 2 and parts of 8 and 9 on OP-CRPD and CED) and 8 were not commented at all (1, 3, first part of 4, second part of 6, first part of 12, 13, second part of 19 and 23-> pending) <sup>1</sup> | The delegation came back to responses provided in the addendum: recs. on CED are now accepted, those on withdrawing reservations to article 2 of CEDAW are now under discussion (-> pending), the rec. on cooperation with cooperation with treaty bodies and special procedures is now under consideration (-> pending) and the rec. on Sexual Offences Act is now rejected. | Accepted: 96<br>Rejected: 22<br>No clear position: 0<br>Pending: 12 |

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/15/7:**

**96. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Lesotho:**

A - 1. Apply the same spirit of protecting and promoting human rights, stressing human rights education, to the efforts undertaken to implement its National Vision 2020 (Senegal);

A - 2. Continue working to attain the objectives stated by the country in its strategic framework Vision 2020 (Nicaragua);

A - 3. Continue to strengthen its education policy, with international cooperation and technical assistance, enabling the required infrastructure to provide an inclusive education that meets the

<sup>1</sup> The total number of recommendations is now 133 as 7 were split into two or three

needs of its people, in conditions that guarantee full equality in terms of access (Bolivarian Republic of Venezuela);

A - 4. Continue to apply the strategies and socio-economic development plans designed for poverty reduction (Cuba);

A - 5. Continue to apply measures to guarantee access to health services and quality education for all its population (Cuba);

A - 6. Redouble efforts in the field of primary, secondary and tertiary prevention of HIV/AIDS in order to drastically reduce its prevalence, especially among women and children (Argentina);

A - 7. Continue to focus on reducing poverty and curbing the spread of AIDS in its efforts to improve the protection of human rights (China);

A - 8. Elaborate and promote a national human rights plan that integrates all of its administration, harmonizes its internal legislation with its international obligations, includes awareness-raising programmes on diverse human rights subjects, links public and private actors in its defence and guides its public policies with strategies to protect human rights, in order to achieve greater systematization of its human rights action (Spain);

A - 9. Continue to work towards attaining food security, and fight HIV and AIDS as conscientiously as already demonstrated (Zimbabwe);

A - 10. Continue with all the initiatives and commitments to address the identified key national priorities in order to consolidate the promotion and protection of human rights, as broadly defined as these have been in the Kingdom (Zimbabwe);

A - 11. Continue to strengthen its poverty eradication strategies, as well as programmes aimed at improving maternal health and conditions of employment, including the need to obviate child labour, particularly for those children orphaned by the HIV and AIDS pandemic (South Africa);

A - 12. Pursue aggressively its efforts to achieve its goals stated in the Vision 2020, through effective international cooperation and technical assistance (Ethiopia);

A - 13. Request United Nations technical assistance in the preparation of national reports on the implementation of international human rights treaties (Libyan Arab Jamahiriya);

A - 14. Reinforce the legal and implementation infrastructure aimed at upholding the rights of women and children, and continue, with strengthened international support, its efforts to combat HIV/AIDS (Egypt);

A - 15. Continue its efforts for the advancement of women, with an emphasis on curbing violence against women (Bangladesh);

A - 16. Continue to improve access to basic services, such as health and education, with the full support and cooperation of the international community (Bangladesh);

A - 17. Continue its efforts to protect vulnerable categories of children, including orphans, extending them to all regions of the country (Belarus);

A - 18. Continue to combat poverty with appropriate and targeted international assistance, in particular that provided by competent United Nations agencies and programmes (Algeria);

A - 19. Continue its efforts to combat poverty, and call for technical and financial assistance at the international and bilateral levels to that end (Morocco);

A - 20. Continue its efforts to promote maternal and child care and care for young girls (Tunisia);

A - 21. Spare no effort to care for orphans who have become victims of the AIDS pandemic; national compassion should face this national drama (Democratic Republic of the Congo);

A - 22. Continue to combat poverty with the full support and cooperation of the international community (Bangladesh);

A - 23. Enhance international cooperation to strengthen programmes aimed at combating the spread of HIV/AIDS (Philippines);

A - 24. Continue its effective measures to fight poverty, in particular through the pursuance of its Interim National Development Framework towards the attainment of the ideals under the country's Vision 20/20, and also to meet the Millennium Development Goals targets (Botswana);

A - 25. Enhance its educational system with a focus on further improving literacy rates, with the support of the international community (Philippines);

A - 26. Seek technical, material and financial assistance from the international community in order to help to address its human rights challenges (Chad);

A - 27. Seek to further targeted technical assistance and capacity-building towards its key initiatives in meeting its human rights obligations at the national, regional and international levels (Botswana);

A - 28. Seek technical assistance from the international community with regard to establishing a National Human Rights Institution, intensifying public awareness in the area of human rights, improving school curriculums and improving financial and social administration in general (Kuwait);

A - 29. Enact and implement outstanding bills and policies to fulfil its obligations under international human rights instruments to which it is a party (Canada);

A - 30. Take all necessary social, educational and legal measures to address the problem of violence against women and to ensure that cases of domestic violence within the family are properly investigated and punished (Italy);

A - 31. Intensify efforts to conclude the submission of overdue reports to the various treaty bodies (Spain);

A - 32. Intensify its efforts in combating gender-based violence in all its forms (Slovakia);

A - 33. Strengthen efforts to ensure the full implementation of the principle of nondiscrimination, particularly in the promotion of gender equality and women's empowerment (Mexico);

A - 34. Make the efforts necessary to adopt the law on the protection and well-being of children in the near future, and make every effort to ensure that it is successfully implemented (Belarus);

A - 35. Develop additional programmes to strengthen its alternative child care facilities (Slovakia); **1**

A - 36. Continue to exercise its sovereign right of implementing its laws and legislation in conformity with the universally agreed human rights standards and norms, and further resist any attempts to enforce values and principles alien to those that are internationally agreed (Egypt);

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

A - 1. Incorporate international human rights instruments into domestic law, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child (Australia); **2**

A - 2. Continue its efforts towards expediting the domestication of its international obligations in the area of human rights into the national legal system (Egypt);

A - 3. Integrate the various regional and international human rights instruments to which it is a party into its domestic legislation, particularly concerning torture, the state of prisons, freedom of the press and of assembly, child welfare, gender equality and so on (Chad); **3**

- A - 4. Finalize its reform of the Penal Code as rapidly as possible, and improve conditions of detention, in particular combating prison overcrowding (France);
- A - 5. Enact the Children's Protection and Welfare Bill 2004 (Australia);
- A - 6. Expedite the adoption of the Children's Protection and Welfare Bill (Brazil);
- A - 7. Include in the Children's Protection and Welfare Bill the prevention of the worst forms of child labour and the provision of equal access to education for all children (United States);
- A - 8. Pass the long-awaited Children's Protection and Welfare Bill, and pass the necessary legislation to ensure that national legislation is in line with the Convention on the Rights of the Child (Norway);
- A - 9. Prioritize enacting the draft Children's Protection and Welfare Bill, ensuring that Convention on the Rights of the Child provisions are fully incorporated into national legislation (United Kingdom);
- A - 10. Review its children-related normative framework, including the adoption of the Children's Protection and Welfare Bill, to ensure full conformity with the Convention (Slovakia);
- A - 11. Bring all relevant legislation into line with CRC (Italy);
- A - 12. Reinforce its legislative framework to protect children from all forms of sexual abuse and exploitation, including in the family (Netherlands);
- A - 13. Review the legislation related to the minimum age of criminal responsibility in order to comply with international standards (Slovakia);
- A - 14. Take the measures necessary to protect children from hazardous work in the informal sector (Germany); **4**
- A - 15. Prioritize enacting a Domestic Violence Bill (United Kingdom); enact legislation to address domestic violence (Canada);
- A - 16. Expedite, as far as possible, the setting up of the National Human Rights Commission in order to have, together with civil society, a good overview of the situation in the country (Democratic Republic of the Congo);
- A - 17. Hasten the establishment of an independent national human rights institution with the support of and in cooperation with the international community (Indonesia);
- A - 18. Establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Germany);
- A - 19. Establish the delayed National Human Rights Commission in accordance with the Paris Principles (United Kingdom);
- A - 20. Set up the National Human Rights Commission in accordance with the Paris Principles (Nepal);
- A - 21. Intensification of these ongoing efforts by the Government to ensure the speedy establishment of the National Human Rights Commission (Ghana);
- A - 22. Establish a national human rights institution and strengthen human rights education and school programmes and general social measures, with the support of the international community (Kuwait);
- A - 23. Proceed, within the shortest possible amount of time, with the establishment of a national human rights institution in accordance with the Paris Principles (Mexico);
- A - 24. Harmonize its national institution in order to bring it fully into line with the Paris Principles (Spain);

- A - 25. Develop and implement policies to protect the rights of the child which fully take into account the implications of the increasing number of HIV/AIDS orphans (Canada);
- A - 26. Apply a human rights approach in its fight against poverty and HIV/AIDS (Hungary);
- A - 27. Strengthen the Police Complaints Authority and the Directorate on Corruption and Economic Offences; increase training for law enforcement officers; and increase the capacity of Lesotho's police force and other public agencies to gather data and share that data with the international community so that improvements can be tracked (United States);
- A - 28. Adopt the Media Policy in Parliament (Norway);
- A - 29. Implement appropriate policies and measures, including care and rehabilitation, to prevent the sexual exploitation of children (Netherlands);
- A - 30. Disseminate information to the population to increase awareness of women's rights and, in particular, of the 2006 Legal Capacity of Married Persons Act (Canada);
- A - 31. Do more to prohibit persistent forms of discrimination, such as issues of discrimination in inheritance rights, and to strengthen the principle of equality for women, particularly at top levels of political party leadership (United States);
- A - 32. Ensure full implementation of the principle of non-discrimination, inter alia, by amending domestic legislation and increasing awareness among the population (Germany);
- A - 33. Implement a plan to combat violence against women and to guarantee equal rights, abrogating the legal provisions that prohibit women from borrowing, signing contracts, opening bank accounts or applying for a passport without their husband's authorization (France); 5
- A - 34. Raise the minimum age of criminal responsibility, and abolish child corporal punishment (Brazil);
- A - 35. Consider enacting specific domestic legislation on combating domestic violence and human trafficking (Philippines);
- A - 36. Ensure that cases of domestic violence, ill treatment, sexual and other abuse within the family are properly investigated and that perpetrators are sanctioned (Netherlands);
- A - 37. Investigate cases of domestic violence, ill treatment, sexual and other abuse within the family, and apply sanctions to perpetrators (Germany);
- A - 38. Set up credible mechanisms to investigate human rights violations carried out by the security forces in order to allow for the compensation of victims and to bring to justice those responsible for these acts (France);
- A - 39. Carry out the legal reforms necessary to ensure an independent judiciary (Netherlands);
- A - 40. Consider the establishment of an efficient, child-friendly mechanism through which children can make complaints on abuses of their rights (Slovakia);
- A - 41. Implement measures to permit State-owned media to operate independently and at arm's length from government (Canada);
- A - 42. Promote voter awareness and participation, and ensure free and fair elections, as these conditions are equally important on the local as on the national level (Norway);
- A - 43. Put in place safeguards to ensure that freedom of assembly is not adversely affected in the implementation of the Public Processions and Meetings Bill (Ireland);
- A - 44. Continue to address the issue of child labour and exploitation and to finalize the draft of the National Action Programme (Norway);

A - 45. Draw up plans for combating the threat of HIV/AIDS (Sudan); **6**

A - 46. Call for the assistance of the High Commissioner for Human Rights, in particular to facilitate the timely submission of its periodic reports to treaty bodies (Algeria);

A - 47. Call for international technical assistance, in particular from the High Commissioner for Human Rights, and explore the possibility of benefiting from the experience of countries that have succeeded in reforms to improve the functioning of justice (Algeria);

A - 48. Solicit the necessary international assistance and cooperation in the establishment of a National Commission on Human Rights in accordance with the Paris Principles (Morocco);

A - 49. Seek the support of the international community and cooperate with it to formulate policies aimed at preventing the spread of HIV/AIDS (Indonesia);

A - 50. Call for the support from the international community for the efforts aimed at combating the AIDS pandemic by ensuring its capacity-building (Senegal);

A - 51. Seek the necessary international assistance, upon identification of its national priorities, to be better able to fulfil its obligations in the area of the promotion and protection of human rights (Egypt).

**98. The recommendations below did not enjoy the support of Lesotho:**

R - 1. Revise the provisions on defamation and libel in order that these are not considered crimes in national legislation (Mexico);

R - 2. Repeal legislation criminalizing male homosexuality, and introduce policies aimed at ending discrimination against homosexuals (Australia);

R - 3. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia); issue a standing invitation to all special procedures (Spain);

R - 4. Decriminalize homosexuality and abrogate the law which prohibits sexual relations between people of the same sex (France);

R - 5. Amend the Sodomy Law so that a sexual relationship between two consenting adults of the same sex is no longer punishable (Netherlands).

**99. The following recommendations did not enjoy the support, since Lesotho considers that they are inaccurate and/or factually incorrect:**

1. Adopt legislation criminalizing female genital mutilation (Germany); **7**

2. Adopt measures to eradicate in a definitive manner the practice of female genital mutilation (Argentina);

3. Take the necessary measures to ensure the primacy of civil and political authority (Netherlands);

4. Take all necessary measures to prohibit the use, procuring or offering of a child for the purpose of the production and trafficking of drugs (Slovenia);

5. Draw up plans for the elimination of female genital mutilation practices (Sudan). **8**

**100. The following recommendations will be examined by Lesotho, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:**

P - 1. Take all necessary steps towards ratifying or acceding to the main international human rights instruments and treaties which are still outstanding (Nigeria);

A - 2. Sign and ratify the Optional Protocol to CAT and the International Convention for the Protection of All Persons from Enforced Disappearance (France);

P - 3. Remove the reservations it has made to CEDAW (Canada);

P - 4. Consider withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women and

A - ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil);

P - consider withdrawing its reservation to article 2 of CEDAW, in line with its Constitution and international human rights instruments (South Africa);

A - 5. Sign the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ireland);

P - 6. Reconsider their reservation from article 2 in the Convention on the Elimination of All Forms of Discrimination against Women, and ensure that all discrimination under customary law comes to an end (Norway);

P - 7. Withdraw the reservation to article 2 of the Convention on the Elimination of All Kinds of Discrimination against Women (Slovenia);

8. Ratify the following international instruments:

R - OP2-ICCPR,

A - OP-CAT,

P - CRPD-OP and

A - CED (Argentina);

9. Sign and ratify,

A - OP-CAT,

P - CRPD-OP and

R - OP-ICESCR

A - CED (Spain);

R - 10. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty (United Kingdom);

R - 11. Ratify the second Optional Protocol of the ICCPR, and formally establish a moratorium on the use of death penalty with a view to its abolition (Italy);

P - 12. Accede to outstanding international human rights instruments,

R - including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty (Australia);

P - 13. Consider ratifying the outstanding core international human rights treaties (Nepal, Ghana);

A - 14. Incorporate international human rights instruments into domestic law, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Australia); **9**

A - 15. Integrate the various regional and international human rights instruments to which it is a party into its domestic legislation,

R - particularly concerning the death penalty (Chad); **10**

R - 16. Implement, and amend when appropriate, the Sexual Offences Act in compliance with international human rights standards to ensure the full accountability of offenders, providing efficient reintegration programmes to victims (Slovakia);

P - 17. Enhance substantially its cooperation with treaty bodies and special procedures mandate holders (Hungary);

A - 18. Strengthen its cooperation with treaty bodies, including by agreeing on timelines for the submission of overdue reports (Norway);

A - 19. Make further efforts to combat any forms of discrimination against women

P- and harmonize its legislation, including its customary law practices, with international obligations and standards (Brazil);

R - 20. Consider abolishing the death penalty (Brazil); consider positively the establishment of the moratorium on the death penalty with a view to its abolition (Mexico);

R - 21. Move forward towards formally abolishing the death penalty (Ireland);

R - 22. Definitively abolish the death penalty, and sign and ratify the Second Optional Protocol to ICCPR, which bans capital punishment in all circumstances (France);

P - 23. Lift its reservations to CEDAW (France); **11**

R - 24. Abolish the death penalty for all cases, and sign and ratify OP2-ICCPR (Spain);

R - 25. Develop additional programmes to end the practice of using the Juvenile Training Centres to detain children as a form of alternative care (Slovakia). **12**

## Notes

1 Recommendation originally read: Develop additional programmes to strengthen its alternative children care facilities, ending the practice of using the Juvenile Training Centres to detain children as a form of alternative care (Slovakia).

2 Recommendation originally read: Incorporate international human rights instruments into domestic law, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Kinds of Discrimination against Women and the Convention on the Rights of the Child (Australia).

3 Recommendation originally read: Integrate the various regional and international human rights instruments to which it is a party into its domestic legislation, particularly concerning the death penalty, torture, the state of prisons, freedom of the press and of assembly, child welfare, gender equality and so on (Chad).

4 Recommendation originally read: Adopt legislation criminalizing female genital mutilation as well as to take necessary measures to protect children from hazardous work in the informal sector (Germany).

5 Recommendation originally read: Implement a plan to combat violence against women and to lift its reservations to CEDAW and to guarantee equal rights and abrogating the legal provisions which prohibit women from borrowing , signing contracts, opening bank accounts or applying for a passport without their husband's authorization (France).

6 Recommendation originally read: Draw up plans for combating the threat of HIV/AIDS as well as for the elimination of female genital mutilation practices (Sudan).

7 Recommendation originally read: Adopt legislation criminalizing female genital mutilation as well as to take necessary measures to protect children from hazardous work in the informal sector (Germany).

8 Recommendation originally read: Draw up plans for combating the threat of HIV/AIDS as well as for the elimination of female genital mutilation practices (Sudan).

9 Recommendation originally read: Incorporate international human rights instruments into domestic law, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child (Australia).

10 Recommendation originally read: Integrate the various regional and international human rights instrument to which it is a party into its domestic legislation, particularly concerning the death penalty, torture, the state of prisons, freedom of the press and of assembly, child welfare, gender equality and so on (Chad).

11 Recommendation originally read: Implement a plan to combat violence against women and to lift its reservations to CEDAW and to guarantee equal rights and abrogating the legal provisions which prohibit women from borrowing , signing contracts, opening bank accounts or applying for a passport without their husband's authorization (France).

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