



General Assembly

Distr.: General
11 November 2019

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fifth session
20–31 January 2020

Compilation on Lesotho

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families commended Lesotho for ratifying or acceding to all the core human rights treaties, as well as a number of International Labour Organization (ILO) instruments. It noted, however, that Lesotho had not yet ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Minimum Wage Fixing Convention, 1970 (No. 131), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189) or the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The Committee urged Lesotho to consider ratifying or acceding to those instruments.³

3. The United Nations country team recommended that Lesotho ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴

4. The Committee on Migrant Workers recommended that Lesotho consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁵

5. The Committee on the Rights of the Child recommended that Lesotho take all measures necessary to address the recommendations it had made in 2001 (CRC/C/15/Add.147) that had not been implemented or had not been sufficiently



implemented, in particular, those related to independent monitoring (para. 14), budget allocation (para. 18), dissemination, awareness-raising and training (para. 22), non-discrimination (para. 26) and the best interests of the child (para. 28).⁶

6. The Committee on Migrant Workers urged Lesotho to establish an appropriate body, at the interministerial level, with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention, across sectors, at the national, regional and local levels. It recommended that Lesotho further avail itself of international assistance, including technical assistance, to develop a comprehensive programme aimed at implementing its recommendations and the Convention.⁷

7. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the declarations and reservations Lesotho had made in relation to articles 8, 9, 25 and 31 of the Convention relating to the Status of Stateless Persons had reduced stateless persons' access to administrative assistance, which might undermine their protection against expulsion and the fair treatment of their interest and property.⁸

8. UNHCR recommended that Lesotho consider withdrawing its reservations and declarations to that Convention and that it take the necessary measures to determine statelessness status and to provide stateless persons with treatment compliant with the provisions of that Convention.⁹

9. The Committee on Migrant Workers recommended that Lesotho intensify its efforts towards the implementation of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.¹⁰

10. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Lesotho to ratify the Convention against Discrimination in Education and to report to it in future on the implementation of the Recommendation on Science and Scientific Researchers.¹¹

11. UNESCO also encouraged Lesotho to submit regularly comprehensive national reports for the periodic consultations on UNESCO education-related standard-setting instruments, notably the Recommendation against Discrimination in Education, and to share with it any relevant information to update its country profile on the UNESCO Observatory on the Right to Education.¹²

III. National human rights framework¹³

12. The Special Rapporteur on the human rights to safe drinking water and sanitation recommended that the Government finalize the establishment of the National Human Rights Commission with autonomy and ensure that its mandate included issues of economic, social and cultural rights. He also recommended that international development funders put in place guarantees and safeguards to ensure that their development cooperation projects would fully incorporate human rights, in particular by implementing human rights principles and standards at all stages of the cycle of development cooperation projects.¹⁴

13. The Committee on Migrant Workers requested that Lesotho adopt the Human Rights Commission Bill as soon as possible and establish a national human rights institution, ensuring that it had a clear mandate to protect and promote human rights, including the rights of migrant workers and members of their families as set out in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁵ The United Nations country team also recommended expediting the establishment of the National Human Rights Commission by operationalizing the National Human Rights Commission Act and ensuring compliance with the Paris Principles.¹⁶

14. The Committee on the Rights of the Child recommended that Lesotho expand its National Information System for Social Assistance so that it fully covered the territory of the State, in particular the rural and mountainous areas, and ensure that data on children were disaggregated by age, sex, ethnic origin, national origin, geographic location and

socioeconomic status for all areas covered by the Convention on the Rights of the Child. It also recommended that technical assistance be sought from the United Nations Children's Fund (UNICEF) to ensure the development of child-sensitive indicators for all areas covered by the Convention and that the data collected were used to inform all programmes affecting children.¹⁷

15. The United Nations country team recommended establishing a national security sector inter-agency coordination mechanism with a mandate to monitor and address human rights violations. It also recommended providing increased technical and operational support to complete the national dialogue and the implementation of a broad-based reform process, and providing ongoing training to security sector personnel on human rights enforcement.¹⁸

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law¹⁹

16. The Special Rapporteur on water and sanitation recommended that the Government enact national legislation explicitly recognizing the human rights to water and sanitation and fully incorporating the normative content of those rights. He also recommended that it ensure the continuity of plans and policies on water and sanitation and the implementation of those policies in line with human rights.²⁰

17. The Special Rapporteur further recommended that the Government establish a national regulation on drinking water quality in accordance with the most recent version of the World Health Organization Guidelines for Drinking-water Quality.²¹

A. Cross-cutting issues

1. Equality and non-discrimination²²

18. The Committee on Migrant Workers recommended that Lesotho intensify its efforts to combat xenophobia, including by prosecuting perpetrators and conducting awareness-raising campaigns, and provide assistance to victims.²³

19. The United Nations country team recommended enacting the Domestic Violence Bill and supporting its immediate implementation, and strengthening coordinated essential services package and referral pathways between the health, social services, police and justice sectors in order to respond to gender-based violence.²⁴

20. It also recommended harmonizing the dual legal systems to address discriminatory provisions and administrative regulations relating to family, marriage and inheritance in order to eliminate discrimination against women and girls. It further recommended finalizing the review of the Child Protection and Welfare Act of 2011 to include provisions to protect children from child marriage, and considering enacting the child marriage law and supporting its implementation.²⁵

21. Moreover, it recommended implementing constitutional, legal and policy reforms to promote and protect the human rights of all persons irrespective of their sexual orientation, gender identity and disabilities. It also recommended expanding and improving national data collection on gender-based violence and conducting a national time-use study disaggregated by sex, age, location, sexual orientation and gender identity, disability and other relevant socioeconomic indicators.²⁶

22. UNESCO encouraged Lesotho to address sexual and gender-based violence, as it affected children's school attendance.²⁷

2. Development, the environment, and business and human rights²⁸

23. The Special Rapporteur on water and sanitation recommended that the Government adopt the human rights to water and sanitation as a permanent agenda item for the water

sector coordination meetings, and ensure that the Department of Rural Water Supply consulted the National Information System for Social Assistance when deciding in which villages to implement its water and sanitation programmes. He also recommended enhancing budgetary and technical resources for rural water and sanitation services with an emphasis on maintenance.²⁹

24. The Special Rapporteur on water and sanitation further recommended that the Government establish a well-equipped, well-staffed and accredited national laboratory for drinking-water analyses, and that, in regard to mega-projects, including the highlands development project, that it document the lessons learned from previous projects and phases of projects, and conduct an ex-post human rights impact assessment.³⁰ In addition, he recommended that international development funders prioritize water and sanitation projects in Lesotho in their portfolios.³¹

25. The United Nations country team recommended that Lesotho make concerted efforts to approve and operationalize the National Resilience Strategic Framework to protect its development gains and build citizens' resilience to natural disasters.³²

26. It also recommended that Lesotho fast-track implementation of the National Climate Change Policy and put in place a comprehensive system to monitor and evaluate its implementation. It further recommended that Lesotho continue ensuring the integration of sexual and reproductive health and rights, HIV and gender-based violence in rapid assessments in humanitarian situations.³³

B. Civil and political rights

1. Right to life, liberty and security of person³⁴

27. The Committee on the Rights of the Child urged Lesotho to take immediate measures to prevent killings of children involving the mutilation of body parts, through raising community awareness, investigating all cases and bringing the perpetrators to justice.³⁵

28. The Committee on Migrant Workers recommended that Lesotho ensure that comprehensive, migration-specific human rights training programmes were available to all public officials working in the area of migration, in particular immigration officers and law enforcement officials, as well as judges, prosecutors, relevant consular officers, civil servants, local officials and social workers. It also recommended working in close collaboration with civil society organizations and the media to intensify the dissemination of information about the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.³⁶

29. The Committee on the Rights of the Child recommended that Lesotho take all measures necessary to prevent and combat the abuse of children, including domestic violence and sexual exploitation and abuse.³⁷

30. The United Nations country team observed that there was inadequate knowledge and uptake of HIV services by prisoners and that efforts must intensify to mitigate the high risk of HIV transmission among prisoners and to create demand for HIV prevention and retention on antiretroviral therapy.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

31. The Committee on Migrant Workers recommended that Lesotho increase labour inspections and prosecute, punish and sanction persons or groups exploiting migrant workers or subjecting them to forced labour and abuse, especially in the informal economy, in line with target 8.8 of the Sustainable Development Goals.⁴⁰ It also recommended strengthening mechanisms for investigating cases of child labour and trafficking in persons and for prosecuting and punishing offenders.⁴¹

32. The United Nations country team recommended that Lesotho ensure that the justice sector reforms limited the number of inmates in custody on remand and improved the conditions in detention centres.⁴²

3. Fundamental freedoms⁴³

33. UNESCO noted with concern that a freedom of information law did not currently exist in Lesotho.⁴⁴

34. UNESCO encouraged Lesotho to fully implement the relevant provisions of the Convention for the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights.⁴⁵

35. UNESCO also encouraged Lesotho to assess the system for issuing broadcast licences in order to ensure that the process was transparent and independent; to review its media-related laws to ensure that they were aligned with international standards in promoting freedom of expression; and to introduce a freedom of information law that was in accordance with international standards.⁴⁶

4. Prohibition of all forms of slavery⁴⁷

36. The Committee on Migrant Workers recommended that Lesotho step up campaigns aimed at preventing trafficking in migrant workers and protect migrant workers from labour and sexual exploitation, in line with target 5.2 of the Sustainable Development Goals. It also recommended improving the training of law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, health-care providers and the State's embassy and consular personnel regarding the struggle against human trafficking.

37. The Committee on Migrant Workers recommended that Lesotho provide adequate assistance, protection and rehabilitation to all victims of trafficking, in particular by providing shelters and launching projects aimed at their reintegration and repatriation. It also recommended intensifying international, regional and bilateral cooperation to prevent and combat trafficking in persons.⁴⁸

38. The United Nations country team commended the Government on its efforts to sensitize officials, community leaders and vulnerable groups on trafficking in persons.⁴⁹

39. It recommended that Lesotho amend the Anti-Trafficking in Persons Act of 2011 to remove force, fraud or coercion as a requirement for child trafficking, and with respect to implementation, that it increase its efforts to secure the conviction of perpetrators of trafficking. It also recommended that Lesotho establish the victims of trafficking trust fund and ensure that it was fully resourced to carry out its mandate.⁵⁰

40. It urged Lesotho to take strong action against perpetrators of trafficking in persons and to deal with the backlog of cases investigated by the Lesotho Mounted Police Service.⁵¹ It recommended reviewing and harmonizing all legal frameworks to enable access to justice for victims of trafficking, with stringent penalties to deter the crime of trafficking.⁵²

41. The Committee on the Rights of the Child recommended that Lesotho provide sufficient resources to fully implement the special action programme for the elimination of the worst forms of child labour and address in particular the exploitation of children for herding, domestic work and sexual exploitation, and conduct a study on the worst forms of child labour.⁵³ The United Nations country team echoed that recommendation.⁵⁴

5. Right to family life⁵⁵

42. The Committee on Migrant Workers recommended that, during the review of the Aliens Control Act of 1966, Lesotho introduce appropriate measures to facilitate the family reunification of migrant workers and members of their families in line with article 44 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁵⁶

43. The United Nations country team recommended that Lesotho strengthen the capacity of health-care providers with the updated guidelines on family planning and demand

generation interventions for family planning.⁵⁷ The Committee on the Rights of the Child recommended that Lesotho ensure that support for family reintegration or placement in alternative care was provided with full respect for children's best interests and giving due weight to their autonomous views, in accordance with their age and maturity.⁵⁸

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁹

44. The Committee on Migrant Workers recommended that Lesotho collect data on cases involving non-compliance with the principle of equal pay for work of equal value, including sanctions imposed on non-compliant employers. It also recommended that Lesotho ensure that migrant workers enjoyed treatment not less favourable than that which applied to nationals in respect of remuneration and that that was strictly enforced through the conduct of regular and unannounced labour inspections in sectors where migrant workers were employed, in line with target 8.8 of the Sustainable Development Goals.⁶⁰

45. The same Committee recommended that Lesotho reinforce the regulatory regime for private recruitment agencies and strengthen the existing licensing system for recruitment agencies during the ongoing review of the Labour Code of 1992, to ensure the rights of migrant workers in accordance with the Convention. It also recommended enhancing recruitment monitoring and inspections to prevent private recruitment agencies from exploiting migrant workers and members of their families.⁶¹

46. The United Nations country team recommended that Lesotho improve legislative and policy frameworks to increase the ease of doing business and to enable investment in the private sector. It also recommended improving the national labour environment through the approval and implementation of the draft labour and employment policies.⁶² The Committee on the Rights of the Child recommended that Lesotho widely disseminate the minimum employment guidelines for shepherds/herdboys of 2014 and undertake awareness-raising programmes, including campaigns.⁶³

2. Right to an adequate standard of living⁶⁴

47. The Special Rapporteur on water and sanitation recommended that the Government make public the decisions of the quarterly water sector coordination meetings; guarantee the independence and autonomy of the regulatory body for water and sanitation services; prioritize the provision of water and toilets to all levels of schools, including preschools and day-care centres; and review the process of identifying water sources, taking into account projections of water availability during periods of drought.⁶⁵

48. The Special Rapporteur on water and sanitation also recommended that the Government, as an interim measure during droughts, provide water through alternative mechanisms, such as trucks and other transportation methods, in particular to hard-to-reach remote areas. He further recommended reviewing policies for abstracting water from the reservoirs in the highlands to provide water to the villages in need and nearby villages, based on an exercise to identify and map the needs of those villages.⁶⁶

49. The Special Rapporteur on water and sanitation recommended that the Government establish a special tariff for schools and health centres and ensure that disconnections owing to lack of payment did not occur; establish a clearer procedure on disconnection of water services; increase the number of annual samples for water quality control; and include water treatment in rural areas at the community or household level as part of the national agenda.⁶⁷

50. The United Nations country team recommended that Lesotho allocate sufficient human and financial resources to the costed multisectoral food and nutrition strategy and the zero hunger road map.⁶⁸

51. The Special Rapporteur on water and sanitation strongly recommended that the Government use the framework of the human rights to water and sanitation as a guide to help it identify the highest priorities in the water and sanitation sector. That would take into

account key issues, such as people in vulnerable situations and questions surrounding equality and non-discrimination, as well as participation and access to information.⁶⁹

52. The United Nations country team commended the Government on its efforts in collaborating with United Nations agencies to integrate gender, gender-based violence and HIV and sexual and reproductive health in the response and mitigation of drought and other natural disasters and in the Lesotho Disaster Management Authority tools.⁷⁰

53. It recommended that Lesotho promote the sustainable utilization of natural resources and ensure that the marginalized and most vulnerable individuals in society were increasingly resilient. It also recommended that Lesotho ensure the full implementation and use of the Disaster Management Authority response and mitigation of drought and other natural disasters tools, which integrated gender, gender-based violence and HIV and sexual and reproductive health, and of the gender audit conducted by the Ministry of Agriculture and Food Security.⁷¹

54. It further recommended increasing opportunities for sustainable food production, improved food security and decent work, especially for women and young people.⁷²

3. Right to health⁷³

55. The Special Rapporteur on water and sanitation recommended that the Government include hygiene and menstrual hygiene management as part of a national policy.⁷⁴ The United Nations country team recognized that addressing menstrual stigma and discrimination would help adolescent girls to continue school, Lesotho had made progress in addressing menstrual health and hygiene by removing tax on sanitary towels in 2019.⁷⁵

56. The United Nations country team recommended that Lesotho strengthen its legislation on and the implementation of health policies and guidelines to improve access to health services, including sexual and reproductive health services, by people living with disabilities, women and young people in particular. It also recommended comprehensively integrating gender-based violence in national representative surveys such as the Demographic Health Survey.⁷⁶

57. The United Nations country team noted that only 40 per cent of the population had access to health services due to low utilization of existing health services, limited resource capacity, weak outreach services and structural barriers.⁷⁷ It recommended that Lesotho initiate the implementation of the National Health Strategic Plan 2018/19–2022/23, including its moderate scenario, which advocated for the scaling up of high impact services and health system investments. It also recommended strengthening community level systems to increase awareness and uptake of services, noting the disease burden on communities as the entry level for the right to health and implementation of cost-effective interventions.⁷⁸

58. It further recommended improving capacity in the supply chain and procurement for all health commodities, including through enactment of the Medicine and Medical Device Control Bill and a specific budget line in the national budget for procurement of family planning commodities for commodity security. In addition, it recommended implementing the Reproductive, Maternal, Newborn, Child and Adolescent Health programme and reviewing midwifery policies.⁷⁹

4. Right to education⁸⁰

59. The United Nations country team recommended fully implementing the Inclusive Education Policy, which focused on the educational needs of learners living with disabilities, particularly by raising and allocating the funds required to implement the policy.⁸¹ UNESCO encouraged Lesotho to take concrete measures to ensure inclusive education, particularly for people with special needs, at all levels of education.⁸²

60. The United Nations country team commended Lesotho on achieving gender parity in primary education and on having remained committed to education spending (between 9 and 10 per cent of gross domestic product), while the provisions of free primary education since 2000 had resulted in an increase in the enrolment of boys and girls in schools. However, it noted that the bulk of the budget was spent on primary education, leaving very

few resources for Early Childhood Care and Development Education and for secondary education.⁸³

61. The United Nations country team recommended that Lesotho strengthen teachers' capacity to deliver quality comprehensive sexuality education in schools and to provide supportive supervision and monitoring of its delivery. It also recommended developing an implementation plan for the national school health and nutrition policy to complement the delivery of comprehensive sexuality education in schools through uptake of sexual and reproductive health and rights services by adolescents and young people.⁸⁴

62. The United Nations country team further recommended allocating adequate funds to subsidize early childhood, secondary and tertiary education for access to education at those levels, and taking special measures to retain boys in schools with specific focus on those in rural remote areas. Furthermore, it recommended providing capacity-building to teachers on the effective implementation of the curriculum, including on efficient delivery of human rights education.⁸⁵

63. UNESCO encouraged Lesotho to foresee at least one year of free and compulsory pre-primary education and to ensure that schools had the resources necessary to provide quality education and that they were equipped with gender-sensitive sanitation facilities.⁸⁶

64. UNESCO also encouraged Lesotho to increase access to and improve the quality of pre-primary education, through appropriate infrastructure, quality in-service training for teachers and by developing the curriculum. It further encouraged progressively guaranteeing 12 years of free education, of which 9 were compulsory, in order to align with the minimum age of employment; reinforcing measures to improve quality education at all levels; lowering dropout and repetition rates; and increasing access across the State, particularly in hard to reach places.⁸⁷

D. Rights of specific persons or groups

65. UNESCO encouraged Lesotho to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities) and to ensure that equal opportunities were given to women and girls to address gender disparities.⁸⁸

1. Children⁸⁹

66. The Committee on the Rights of the Child welcomed the ongoing law reform process to harmonize the definition of the child in all child-related legislation to bring it in line with the Convention on the Rights of the Child, and to prohibit child marriage without exception, including by repealing the section of the Marriage Act of 1974 that allowed girls to marry at the age of 16. It recommended that Lesotho expedite the law reform process to achieve a unified definition of the child and the prohibition of child marriage.⁹⁰

67. The United Nations country team acknowledged the efforts of the Government to end child marriage through multi-stakeholder advocacy campaigns and by amending the Child Protection and Welfare Act of 2011 to include a section on ending child marriage, in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Efforts were under way to harmonize conflicting legislation, such as the Marriage Act of 1974, which permitted girls to marry at 16 years of age. The Child Protection and Welfare Act of 2011 advocated for the protection of children at risk of forced marriage by criminalizing child marriage.⁹¹

68. The United Nations country team recommended that Lesotho enact the reviewed Child Protection and Welfare Act of 2011 to protect children and adolescents from forced and child marriage, and develop and implement a national strategy to reduce teenage pregnancies that included reintegration in school.⁹² The Committee on the Rights of the Child recommended that Lesotho collect data on children involved in different types of child labour and establish a child-specific complaints mechanism that could receive,

monitor and investigate reports on cases of child exploitation, and raise awareness among children of the mechanism.⁹³

69. The Committee on the Rights of the Child recommended that Lesotho raise awareness among parents of the importance of education and provide financial support for children in the most disadvantaged situations. It also recommended collecting data on children in street situations and using those data to develop and inform a specific policy and plan of action to address the situation. It further recommended providing professional support, particularly personnel with specialized skills in psychology and social work, to the organizations working with children in street situations.⁹⁴

70. UNESCO encouraged Lesotho to increase the legal age of marriage to 18 years for both boys and girls, as the current minimum age hampered girls' right to education, and to adopt a re-entry policy for girls who had dropped out of school due to pregnancy.⁹⁵

2. Persons with disabilities⁹⁶

71. The United Nations country team recommended that Lesotho enact the Disability Equity Bill to address and reduce social and economic inequalities for people living with disabilities, and that it review the 2011 Disability Policy in order to develop an implementation strategy and allocate an adequate budget for implementation. It also recommended that Lesotho adopt and implement universal design standards in order to facilitate access to education, health and other social services for people living with disabilities.⁹⁷

72. The United Nations country team further recommended improving the collection and generation of data on disability to effectively measure developments and progress in interventions that responded to the needs of people living with disabilities, taking into consideration the needs of women and girls living with disabilities. In addition, it recommended that Lesotho strengthen at all levels the engagement and participation of persons living with disabilities in the development of legislation, policies, strategies and plans in order to ensure inclusiveness and ownership.⁹⁸

3. Minorities and indigenous peoples⁹⁹

73. The Special Rapporteur on water and sanitation emphasized that the adoption of a comprehensive approach to implementing the human rights to water and sanitation would guide Lesotho to focus on the most vulnerable populations and "leave no one behind", in accordance with its commitment to the 2030 Agenda for Sustainable Development.¹⁰⁰

74. The Special Rapporteur recommended that the Government undertake an in-depth analysis of the current tariff scheme in order to ensure that access to water and sanitation services was affordable for those in a vulnerable situation and those with limited economic capacity.¹⁰¹

75. While the United Nations country team acknowledged the efforts of Lesotho to provide continuity of care for people living with HIV/AIDS who worked abroad by providing multiple supplies of antiretroviral therapy, it noted that some people living with HIV/AIDS were sometimes denied such supplies by the authorities.¹⁰²

4. Migrants and refugees¹⁰³

76. The United Nations country team commended the efforts of the Government to provide universal health access for migrants and immigrants, regardless of their immigration status.¹⁰⁴

77. UNHCR noted with appreciation that refugees in Lesotho enjoyed access to basic health care and received assistance to access basic education. Refugees also had the right to work, provided that they obtained work permits; unemployed refugees receive a grant from the Government. Nonetheless, access to education for refugee children and the provision of travel documentation to enable refugees to travel to neighbouring countries remained problematic.¹⁰⁵

78. UNHCR recommended that the Government consider the provision of universal primary education to all refugee children free of charge and where applicable, secondary and tertiary education for refugee children and young people.¹⁰⁶

5. Stateless persons¹⁰⁷

79. UNHCR noted that stateless persons in Lesotho not only lacked definite legal status and protection, but were also vulnerable to abuse and human rights violations. In addition, a number of practical gaps with regard to birth registration and nationality legislation further increased the risk of statelessness, particularly among children. The lack of a birth certificate could affect the enjoyment of a range of human rights, including access to education and health care.¹⁰⁸

80. UNHCR recommended that the Government establish a statelessness determination procedure and a domestic legal framework for the protection of stateless persons, in line with the standards set out in the Convention relating to the Status of Stateless Persons, in order to ensure that stateless persons were able to enjoy their human rights.¹⁰⁹

81. UNHCR also recommended that the Government ensure that birth registration was universal, free, accessible and made available immediately after the birth of a child, and that birth certificates were effectively issued. It further recommended that the Government consider the establishment of late birth registration procedures, and amend the Nationality Act so as to grant nationality to children born outside Lesotho to a national, regardless of the parent's gender or place of birth, as well as to all children found abandoned on its territory.¹¹⁰

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Lesotho will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/LSIndex.aspx.

² For relevant recommendations, see A/HRC/29/9, paras. 113.1–113.6, 113.9–113.10, 113.12, 114.1–114.14, 115.1–115.6, 115.18–115.19 and 115.22–115.23.

³ CMW/C/LSO/CO/1, paras. 11–12.

⁴ United Nations country team submission for the universal periodic review of Lesotho, p. 8.

⁵ CMW/C/LSO/CO/1, para. 10.

⁶ CRC/C/LSO/CO/2, para. 4.

⁷ CMW/C/LSO/CO/1, paras. 16 and 57.

⁸ UNHCR submission for the universal periodic review of Lesotho, p. 1.

⁹ Ibid., p. 3.

¹⁰ CMW/C/LSO/CO/1, para. 38.

¹¹ UNESCO submission for the universal periodic review of Lesotho, paras. 11 and 17.

¹² Ibid., para. 11.

¹³ For relevant recommendations, see A/HRC/29/9, paras. 113.13–113.34 and 114.18–114.19.

¹⁴ A/HRC/42/47/Add.1, paras. 82 (d) and 83 (b).

¹⁵ CMW/C/LSO/CO/1, para. 20 (a).

¹⁶ United Nations country team submission, p. 8.

¹⁷ CRC/C/LSO/CO/2, para. 13.

¹⁸ United Nations country team submission, p. 7.

¹⁹ For relevant recommendations, see A/HRC/29/9, paras. 113.45–113.52, 113.73, 115.11, 115.21 and 115.24.

²⁰ A/HRC/42/47/Add.1, para. 82 (a)–(b).

²¹ Ibid., para. 82 (h).

²² For relevant recommendations, see A/HRC/29/9, paras. 113.11, 113.53–113.57, 113.67–113.69, 113.72, 115.7–115.9 and 115.12.

²³ CMW/C/LSO/CO/1, para. 28 (d).

²⁴ United Nations country team submission, p. 7.

²⁵ Ibid.

²⁶ Ibid.

²⁷ UNESCO submission, para. 11.

²⁸ For relevant recommendations, see A/HRC/29/9, paras. 113.36–113.37, 113.88–113.89, 113.91, 113.111 and 113.117–113.121.

²⁹ A/HRC/42/47/Add.1, para. 82 (c).

³⁰ Ibid., para. 82 (h)–(i).

- ³¹ Ibid., para. 83 (a).
- ³² United Nations country team submission, p. 15.
- ³³ Ibid., p. 16.
- ³⁴ For relevant recommendations, see A/HRC/29/9, paras. 113.7–113.8, 113.70–113.71, 113.77–113.79, 115.10, 115.16–115.17 and 115.20.
- ³⁵ CRC/C/LSO/CO/2, para. 21.
- ³⁶ CMW/C/LSO/CO/1, para. 22 (a) and (c).
- ³⁷ CRC/C/LSO/CO/2, para. 29 (a).
- ³⁸ United Nations country team submission, para. 37.
- ³⁹ For relevant recommendations, see A/HRC/29/9, paras. 113.59–113.60 and 114.22.
- ⁴⁰ CMW/C/LSO/CO/1, para. 28 (a).
- ⁴¹ Ibid., para. 52 (d).
- ⁴² United Nations country team submission, p. 7.
- ⁴³ For relevant recommendations, see A/HRC/29/9, paras. 113.42–113.44 and 114.16.
- ⁴⁴ UNESCO submission, para. 7.
- ⁴⁵ Ibid., para. 16.
- ⁴⁶ Ibid., paras. 15, 12 and 13.
- ⁴⁷ For relevant recommendations, see A/HRC/29/9, paras. 113.61–113.66, 114.15 and 114.21.
- ⁴⁸ CMW/C/LSO/CO/1, para. 52 (e)–(f).
- ⁴⁹ United Nations country team submission, para. 21.
- ⁵⁰ Ibid., p. 9.
- ⁵¹ Ibid., para. 23.
- ⁵² Ibid., p. 9.
- ⁵³ CRC/C/LSO/CO/2, para. 56 (a).
- ⁵⁴ United Nations country team submission, p. 16.
- ⁵⁵ For the relevant recommendation, see A/HRC/29/9, para. 113.84.
- ⁵⁶ CMW/C/LSO/CO/1, para. 44.
- ⁵⁷ United Nations country team submission, p. 13.
- ⁵⁸ CRC/C/LSO/CO/2, para. 58 (c).
- ⁵⁹ For relevant recommendations, see A/HRC/29/9, paras. 113.80–113.81.
- ⁶⁰ CMW/C/LSO/CO/1, para. 34.
- ⁶¹ Ibid., para. 50.
- ⁶² United Nations country team submission, p. 10.
- ⁶³ CRC/C/LSO/CO/2, para. 56 (b).
- ⁶⁴ For relevant recommendations, see A/HRC/29/9, paras. 113.38–113.40, 113.82, 113.85–113.86 and 113.113.
- ⁶⁵ A/HRC/42/47/Add.1, para. 82 (c) and (e).
- ⁶⁶ Ibid., para. 82 (e)–(f).
- ⁶⁷ Ibid., para. 82 (g)–(h).
- ⁶⁸ United Nations country team submission, p. 10.
- ⁶⁹ A/HRC/42/47/Add.1, para. 80.
- ⁷⁰ United Nations country team submission, para. 46.
- ⁷¹ Ibid., p. 16.
- ⁷² Ibid., p. 15.
- ⁷³ For relevant recommendations, see A/HRC/29/9, paras. 113.92–113.100, 113.102–113.103 and 114.24.
- ⁷⁴ A/HRC/42/47/Add.1, para. 82 (e). See also United Nations country team submission, p. 14.
- ⁷⁵ United Nations country team submission, para. 41.
- ⁷⁶ Ibid., p. 6.
- ⁷⁷ Ibid., para. 30.
- ⁷⁸ Ibid., p. 13.
- ⁷⁹ Ibid.
- ⁸⁰ For relevant recommendations, see A/HRC/29/9, paras. 113.106–113.110, 113.112, 113.115 and 114.23.
- ⁸¹ United Nations country team submission, p. 5.
- ⁸² UNESCO submission, para. 11.
- ⁸³ United Nations country team submission, para. 42.
- ⁸⁴ Ibid., p. 14.
- ⁸⁵ Ibid., pp. 14 and 17.
- ⁸⁶ UNESCO submission, para. 11.
- ⁸⁷ Ibid.
- ⁸⁸ Ibid., para. 16.
- ⁸⁹ For relevant recommendations, see A/HRC/29/9, paras. 113.74–113.75, 113.83 and 113.105.
- ⁹⁰ CRC/C/LSO/CO/2, paras. 16–17.
- ⁹¹ United Nations country team submission, para. 15.
- ⁹² Ibid., pp. 14.
- ⁹³ Ibid., para. 56 (d).

- ⁹⁴ Ibid., para. 56 (c) and 58 (a)–(b).
- ⁹⁵ UNESCO submission, para. 11.
- ⁹⁶ For the relevant recommendation, see A/HRC/29/9, para. 113.114.
- ⁹⁷ United Nations country team submission, p. 5.
- ⁹⁸ Ibid., pp. 5–6.
- ⁹⁹ For relevant recommendations, see A/HRC/29/9, paras. 113.35, 113.87, 113.90 and 115.13–115.15.
- ¹⁰⁰ A/HRC/42/47/Add.1, para. 81.
- ¹⁰¹ Ibid., para. 82 (g).
- ¹⁰² United Nations country team submission, para. 38.
- ¹⁰³ For the relevant recommendation, see A/HRC/29/9, para. 113.116.
- ¹⁰⁴ United Nations country team submission, para. 38.
- ¹⁰⁵ UNHCR submission, p. 1.
- ¹⁰⁶ Ibid., p. 3.
- ¹⁰⁷ For relevant recommendations, see A/HRC/29/9, paras. 113.58 and 114.20.
- ¹⁰⁸ UNHCR submission, p. 2.
- ¹⁰⁹ Ibid., p. 3.
- ¹¹⁰ Ibid., p. 3.