



Human Rights Council

Universal Periodic Review (UPR) of Lesotho

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Joint Stakeholders' Submission on:

Human Rights in Lesotho

Submitted by:

IIMA - Istituto Internazionale Maria Ausiliatrice

**VIDES International - International Volunteerism Organization for Women, Education
and Development**

(NGOs in Consultative Status with ECOSOC)

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I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Human Rights in Lesotho in the following areas: **education, economic and sexual exploitation of children and violence against them, birth registration, work, health, rights of women and right to land**. Each section conveys recommendations to the Government of Lesotho.
2. The data and information obtained for this submission came from various sources and includes information from teachers, educators, and other civil society actors living and working in Lesotho. All information concerned the period from January 2015 to July 2019.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 42 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels for ensuring human rights of vulnerable groups, especially children and women.

II. GENERAL REMARKS

5. This NGO coalition welcomes the constructive participation of Lesotho in the 2nd cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by Lesotho in 2015, with a special focus on children-related issues such as child birth registration, education, sexual exploitation and trafficking in persons, corporal punishment and ill treatment of children, as well as child labour and the right to work. The right to health and the rights of women in Lesotho are also addressed in the present report.

III. VULNERABLE GROUPS

6. In Lesotho poverty keeps affecting the enjoyment of the human rights of children. The 65% of children between 0 and 17 years are multidimensionally poor, meaning that they are simultaneously deprived in three or more dimensions of well-being¹. Child mortality and malnutrition are pervasive with 10% of children under age 5 being underweight and the 33% being stunted², increased by lack of safe drinking water and sanitation and affecting more the remote regions.
7. Child poverty is considerably higher in rural than in urban areas. While welcoming the acceptance of the Recommendation No. 113.83³ focusing on strengthening measures for the

¹ "Child poverty in Lesotho: the challenge and possible responses", UNICEF, 2018.

<https://www.unicef.org/esa/sites/unicef.org/esa/files/2018-12/UNICEF-Lesotho-2018-Child-Poverty-Report-Summary.pdf>

² "Lesotho health budget brief", UNICEF, 2017, p. 4, from *World Development Indicators (extracted 2017)*

³ Recommendation No. 113.83. "Strengthen measures to implement the law on the protection and well-being of children, particularly in rural areas, so as to prevent children having to work in the fields or in home in order to meet their needs and

protection and well-being of children particularly in rural areas, we note serious gaps in the access to education and health services as well as in terms of protection from child labour, trafficking and exploitation.

8. According to the report of the Special Rapporteur on the human rights to safe drinking water and sanitation, at the conclusion of his official visit to Lesotho in February 2017, the lack of access to water, particularly in rural communities, results in a exposure of children to physical and sexual violence and, by extension, it is connected to a chain of events including child marriages. Accordingly, in its concluding observations on the second- period report for Lesotho (2018), the Committee on the Rights of the Child “is seriously concerned at the reportedly increasing sexual abuse of school girls and girls engaged in domestic work. It is also concerned at the risk of physical and sexual violence that children, and girls in particular, are exposed to when collecting water, bathing or using toilets at night.”⁴

9. Furthermore, poverty forces children into remunerative work in the country or abroad mainly as herders and domestic workers. Children in rural areas are more likely engaged in work that affect their schooling and playing time.

10. Moreover, because of HIV deaths and unemployment that brings parents to work abroad, frequently children live with elderly grandparents or without any guide. Children frequently look for alternative ways of survival and this situation leads to school dropout rates increment.

11. We recommend the Government of Lesotho to:

- a) Continue efforts to eliminate extreme poverty that leads to overshadowing the right to education due to concrete and current needs.***
- b) Implement policies aimed at improving child health and strengthen measures to reduce child mortality, included in the remote regions.***
- c) Define villages to prioritize consulting the National Information for Social Assistance in the Department of Rural Water Supply Program, in conformity with the statement at the conclusion of the official visit to Lesotho by the Special Rapporteur on the human rights to safe drinking water and sanitation in February 2017.***
- d) Ensure safe access to education, health services, and water in order to reduce exposure to violence of children.***

IV. CHILD BIRTH REGISTRATION

12. We acknowledge the implementation of Recommendation No. 113.58⁵ concerning the necessity to ensure the universal registration of births and the efforts accomplished by the

those of their families (Democratic Republic of the Congo)”. See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 19.

⁴ Concluding observations on the second period report for Lesotho, CRC/C/LSO/CO/2, 28 June 2018.

⁵ Recommendation No.113.58. “Ensure that birth registration is effectively implemented and enforced by allocating sufficient human and financial resources to the National Identity and Civil Registry Department to promote the effectiveness

Government to extend birth registration to the rural areas. However, we note that its endeavors remain insufficient.

13. In addition, we highlight that the penalty levied for late registration has become a major disincentive for parents which corresponds to a childhood statelessness risk.

14. We recommend the Government of Lesotho to:

- a) *Continue its efforts to raise awareness on the importance of birth registration and on the related theme of statelessness and provide outreach facilities in the remotest areas of the country to encourage poor communities and vulnerable groups to exercise their rights to registration at birth.*
- b) *Eliminate the penalty for late registration.*

V. RIGHT TO EDUCATION

15. **Access to education.** This NGO coalition welcomes the acceptance of all the recommendations related to the right to education and the progress made by the Government of Lesotho through policies, strategies, and programs aimed at providing universal quality education for all. While welcoming the adoption of the Education Act (2010), which made primary education free and compulsory for learners 6 to 13 years of age for a duration of 10 years, we note that primary school net enrolment rates remain at 80% and have shown no improvement since 2000⁶. We highlight the lack of adequate access to education among poor, vulnerable and living in hard-to-reach areas children since primary school.

16. Furthermore, we are deeply concerned about the high fees and the level of dropout in secondary school. In 2017 the school gross enrolment rate at secondary level was 56,02% and a low rate was registered among boys (47,56 in comparison to 64,54 of girls)⁷, most from the remotest rural area. In families with limited resources, boys have fewer possibilities of access due to their frequent work as holders. Moreover, the concentration of secondary schools in urban areas creates accessibility problems for children in rural regions.

17. While welcoming the acceptance by the Government of Lesotho of Recommendation No. 113.107⁸ about **awareness campaigns** to sensitize local communities on the **importance of education** for both boys and girls alike, we note with concern that this task has not been effectively accomplished and it seems that the biggest efforts have been put in place by the private sector and the faith-based actors. However, results continue being very poor, especially in rural areas. We note the existence of school drop-out connected to **early marriages, child labour and not married pregnant girls discrimination**. Despite the Lesotho Education Act in 2000, providing for pregnant girls and young mothers to continue

of birth registration systems and processes (Latvia)". See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 18.

⁶ "Lesotho Education budget brief", UNICEF, 2017, p. 3.

⁷ According to Unesco statistics, <http://uis.unesco.org/country/LS>. The net enrolment rates was 36.97 in 2016.

⁸ Recommendation No. 113.107. "Put in place awareness campaigns to sensitize local communities on the importance of education for both boys and girls alike (Latvia)". See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 21.

their education, they keep facing major obstacles in enjoying their right to education, mainly due to social prejudice and discrimination by their peers and by the teachers themselves.

18. Furthermore, we report that the **quality of education** in remote rural areas is particularly poor due to lack of facilities and low presence of teachers. Moreover, despite the improvement of the quality education in the urban area, this year the political instability led to a teachers' strike that deprived children of their right to education for five weeks. In private schools a quality education is guaranteed but, on the other hand, these schools are less accessible due to high fees.

19. We welcome the acceptance by the Government of Lesotho of Recommendation No. 113.115⁹. However, we highlight the inadequacy of the education system in addressing the specific needs of **children with disabilities**. In particular, we express our deep concern for the presence of special schools for these children, not consistent with inclusive education.

20. We observe that **Human Rights Education** came into the school programs through the subject "development studies", aimed at raising awareness on human rights. However, this NGO coalition is concerned about the lack of preparation of teachers on this theme, which is also reflected in the persistence of corporal punishment as a disciplinary measure at school.

21. We recommend the Government of Lesotho to:

- a) *Guarantee the provision of quality education, especially in rural areas through the construction of educational infrastructures and ensuring an adequate number of trained and qualified teachers.*
- b) *Facilitate access to secondary school through progressive elimination of fees and providing secondary schools in rural regions.*
- c) *Raise awareness among children, parents, and teachers on the right to education for all, including people with disabilities and pregnant girls, thus promoting and supporting inclusive education.*
- d) *Continue to strengthen Human Rights Education in school programs, including providing in-depth training programs for all teachers and human rights training for parents.*

VI. ILL-TREATMENT AND CORPORAL PUNISHMENT AGAINST CHILDREN

22. We commend the Government of Lesotho for the ongoing law reform process to prohibit the child marriage without exception, including by repealing the section of the Marriage Act (1974) that allows girls to marry at the age of 16. We welcome the activities that the Government of Lesotho put in place for the purpose of raising awareness among parents and guardians on the early marriage's lasting and dangerous consequences. However, the coalition is deeply concerned about the high prevalence of early marriages. We note that this

⁹ Recommendation No. 113.115: "Develop and adopt legal and administrative measures aimed at making its education premises accessible and, on the other hand, at training teachers, with a view to guaranteeing full access to education to people with disabilities (Argentina)". See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 21.

harmful cultural tradition has a higher rate in remote areas and is often connected to school drop-out.

23. While welcoming the prohibition of corporal punishment in schools by law, we note that this practice continues to be used in some schools. Moreover, we are deeply concerned that it is not expressly prohibited by law at home.

24. We recommend to the Government of Lesotho to:

- a) *Continue efforts aimed at sensitizing parents, guardians, and children on child marriage and its consequences.*
- b) *Modify existing legislation in order to prohibit corporal punishment in all settings, without exceptions.*
- c) *Undertake education campaigns to educate parents and educators on alternative forms of discipline.*
- d) *Provide children with a complaint mechanism in schools.*

VII. RIGHT TO HEALTH

25. We welcome the acceptance of Recommendation No. 113.94¹⁰ and the deep endeavors made by the Government of Lesotho to enhance the capacity of health centers and health centers providers. However, despite the presence of mobile clinics, people living in rural areas are still discriminated in access to health services. The very precarious conditions of some streets and the distance from the closest hospitals make it very hard to reach health centers.

26. This NGO coalition welcomes the acceptance of Recommendation No. 113.99¹¹ and recognizes the efforts in addressing the impact of HIV with the promotion of campaigns of free testing and free treatment, even in the remotest areas. However, we note that people still feel unsafe to come forward about it and that the main causes of death among children include HIV and AIDS (20%) followed by premature birth, birth asphyxia, and acute respiratory tract infections¹².

27. We recommend the Government of Lesotho to:

- a) *Reduce the disparities in access to health care by providing the poorest sections of the population with adequate financial support.*

¹⁰ Recommendation No. 113.94 “Enhance capacity of health centres and health service providers, with a view to improving access to quality health services of people, particularly in the rural areas (Philippines)”. See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 20.

¹¹ Recommendation No. 113.99. “Suitably addresses the disproportionate impact of HIV/AIDS on women and girls by increasing its efforts to further reduce the number of women and girls affected by the HIV pandemic and to increase prevention of mother-to-child transmission of HIV and AIDS (Namibia)”. See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 20.

¹² “Lesotho health budget brief”, UNICEF, 2017, p. 4.

- b) *Improve the quality of public health services, including the provision of qualified medical staff and adequate infrastructures especially in remote areas.*
- c) *Strengthen endeavors to raise awareness on HIV/AIDS and to increase prevention of mother-to-child transmission.*

VIII. CHILD LABOUR AND RIGHT TO WORK

28. While welcoming the acceptance of Recommendation No. 113.81¹³ and the special action programme for the elimination of the worst forms of child labour (APEC), we note that children continue to be involved in several forms of child labour in Lesotho and in South Africa, where they are illegally employed in various jobs such as domestic work, herding, farming, street work, sexual exploitation. The most vulnerable children facing the major risks are usually from rural areas. They are frequently orphans, in poverty situation and between the end of the compulsory education age and the minimum age of work.

29. Moreover, the NGO coalition is deeply concerned about the high rate of youth unemployment, corresponding to 40.05% in 2018, according to the World Bank¹⁴. This is mainly due to the poor quality education provided and the widespread corruption which negatively impact the full exercise of human rights of youth, including their right to work.

30. We recommend the Government of Lesotho to:

- a) *Implement the action programme for the elimination of the worst forms of child labour (APEC) with the provision of sufficient resources.*
- b) *Monitor and protect children driven by poverty to migrate from rural to urban areas or to other countries to engage in child labour or the worst forms of child labour in order to sustain their own families.*
- c) *Increase the compulsory education age that is creating a lack of protection for children between the end of the compulsory education age and the minimum age of work.*
- d) *Provide financial support to families in disadvantaged economic situations and create new employment opportunities.*

IX. SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN

31. This NGO coalition welcomes the acceptance of Recommendation No. 114.21¹⁵ concerning the necessity to contrast sexual exploitation and human trafficking. However,

¹³ Recommendation No. 113.81. "Strengthen measures to protect children from the worst forms of labour, and ensure full implementation of the Children's Protection and Welfare Act (Botswana)". See Report of the Working Group p. 19 UN Doc. A/HRC/29/9, 13 April 2015.

¹⁴ According to ILO the rate is set at 33.22%.

¹⁵ Recommendation No. 114.21. "Implement the July 2014 national anti-trafficking action plan and enact implementing regulations for the 2011 anti-trafficking act, including by making the changes necessary to ensure that trafficking cases are

while recognizing the awareness campaigns put in place on human trafficking, especially in the urban areas, we note with deep concern the serious violations that young victims continue to face.

32. Accordingly, in its concluding observations on the second-period report for Lesotho (June 2018), the Committee on the Rights of the Child expressed deep concern about the high level of commercial sexual exploitation and violence, and the lack of measures, mechanisms and resources to prevent and combat violence against children.¹⁶

33. We recommend the Government of Lesotho to:

- a) *Ensure effective mechanisms and guidelines for reporting cases of sexual exploitation and trafficking in persons, and provide psychological support and reintegration services for the victims.*
- b) *Expand national programs aimed to raise awareness among children of their right to be protected from violence and of where to report acts of violence against them, in urban as well in rural areas.*
- c) *Take appropriate measures to eradicate sexual exploitation and human trafficking by prosecuting and imposing appropriate sanctions on perpetrators of the violations.*

X. RIGHTS OF WOMEN

34. While welcoming the acceptance of the Recommendations No. 114.22¹⁷, this NGO coalition notes that violence against women, including domestic violence, is still a very common practice. The risk gets higher for young and elder women living in remote areas who are forced to travel long distances to reach public services. We welcome the presence of the Child and Gender Protection Unit (GCPUs) aimed to protect the rights of children and women in case of abuse or any other violation. However, people are often not aware of this unit, which still lacks effective implementation.

35. Moreover, we are deeply concerned about the lack of endeavors to investigate all cases of gender violence in rural as well as urban areas, and about the lack of measures taken by the Government to punish the perpetrators.

36. We recommend the Government of Lesotho to:

- a) *Strengthen its efforts in addressing domestic violence and all forms of violence against women and ensure that perpetrators are brought to justice and duly punished.*

prosecuted in the magistrate courts, not just the high court (United States of America) ” See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 23.

¹⁶ Concluding observations on the second period report for Lesotho, CRC/C/LSO/CO/2, 28 June 2018.

¹⁷ Recommendation No. 114.22. “Endeavour to investigate all cases of gender violence, punish the perpetrators and compensate the victims (Ghana)”. See Report of the Working Group UN Doc. A/HRC/29/9, 13 April 2015, p. 23.

- b) *Provide sufficient material, logistical and human resources for the Child and Gender Protection Unit and ensure ongoing training to GCPU's officials on gender and child-related matters.*
- c) *Raise awareness among women of their rights and of reporting mechanisms in case of acts of violence against them.*