



4 December 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Kingdom of Lesotho and welcome the constructive engagement of your Government during the 35<sup>th</sup> session of the UPR Working Group in January 2020.

As the final outcome report on the review of Lesotho has been recently adopted by the Human Rights Council at its 45<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Lesotho – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 81 delegations and the presentation made and responses provided by the delegation of Lesotho. I have also considered the actions taken by the Government of Lesotho to implement the 137 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I take note of steps taken by the Government of Lesotho to address contentious provisions in the Human Rights Commission Act in relation to recruitment, appointment, tenure removal of the Chairperson and Commissioners of the National Human Rights Commission, as well as the approval of the Human Rights Commission Act by the Cabinet. I encourage Lesotho to table the Act to Parliament for promulgation and to allocate necessary resources for the effective functioning of the National Human Rights Commission in line with the Paris Principles.

I welcome ongoing efforts by the Government of Lesotho to submit outstanding reports under the international human rights instruments to which it is a party and encourage to continue to benefit from the OHCHR Treaty Body Capacity Building for technical assistance with the preparation of overdue reports to treaty bodies and on implementation of recommendations.

I also encourage Lesotho to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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His Excellency  
Mr. Matsepo RAMAKOAE  
Minister of Foreign Affairs and International Relations  
Kingdom of Lesotho



I encourage Lesotho to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Lesotho of submitting a mid-term report and encourage the Government to do so again on follow-up to the third cycle of the review, by the end of 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Lesotho in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: His Excellency  
Mr. Sixtus Habofano LEHANA  
Minister of Law, Constitutional Affairs and Human Rights  
Kingdom of Lesotho

Mr. Salvator NIYONZIMA  
United Nations Resident Coordinator  
Kingdom of Lesotho



## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Strengthening the normative framework of core human rights instruments and other human rights treaties that Lesotho is party to, including all the recommendations that emanate from the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Submitting outstanding reports under the international human rights instruments to which Lesotho is a party.

### **National human rights framework**

- Strengthening the efforts for operationalization and guaranteeing the independence of the National Human Rights Commission in line with the Paris Principles.
- Implementing international human rights obligations, considering applicable international humanitarian law.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Taking measures to adopt legislative norms that eliminate all forms of discrimination against LGBTI persons, persons with disabilities and persons with HIV/AIDS.
- Strengthening efforts to raise awareness on the prohibition of stereotypes and discrimination based on sexual orientation and gender identity.
- Increasing efforts to put an end to all forms of discrimination against women, by amending legislative provisions which allows for discrimination against women with respect to adoption, marriage, divorce, burial and devolution of property on death; and by enacting legislation which strengthens coordinated essential services and referral pathways between the health, social services, police and justice sectors in order to respond to gender-based violence.

##### *Development, the environment, and business and human rights*

- Ensuring that the implementation of climate change policies and resilience frameworks are gender-responsive and disability-inclusive, consistent with the United Nations Framework Convention on Climate Change and the Sendai Framework for Disaster Risk Reduction, as well as address the economic, cultural and social impacts and challenges that climate change represents for the full and effective enjoyment of human rights for all.



## **B. Civil and political rights**

### *Administration of justice, including impunity, and the rule of law*

- Enacting a general law to prevent, investigate and punish torture and other cruel treatment or degrading punishment; and conducting independent and impartial investigations into claims that police and security forces have committed human rights violations, including torture and unlawful killings, and initiating prosecutions.
- Undertaking impartial investigations into allegations of police brutality, corruption, and human rights violations and abuses, including reported extrajudicial killings and torture by the Lesotho Mounted Police Service, and continuing to operationalize the Police Complaints Authority.
- Allocating additional resources to address overcrowding, inadequate sanitary conditions and lack of medical care in prisons and detention centres.

### *Fundamental freedoms*

- Adopting all the necessary measures to guarantee the freedom of expression and information, and ensuring that journalists and the media can carry out their work in a safe environment, free from intimidation and reprisals, in accordance with international standards.
- Putting an end to threats and intimidations against journalists and human rights defenders and promoting freedom of expression, which is guaranteed in the Constitution, by retracting the notion of the “crime of sedition” from the Penal Code.

## **C. Economic, social and cultural rights**

### *Right to an adequate standard of living*

- Promoting sustainable economic and social development and improving living standards in order to lay a solid foundation for its people to enjoy all human rights.
- Continuing with successful social policies to provide the greatest well-being and quality of life possible to their people with the essential support and cooperation of the international community.

### *Right to health*

- Continuing the country’s efforts to strengthen the health systems and infrastructure and expanding the circle of providing health services to all groups of society, especially in light of the COVID -19 pandemic.

### *Right to education*

- Continuing legislative measures aimed at ensuring quality and inclusive education.
- Providing sufficient funds and subsidies to ensure the access of children to preschool, secondary and higher education, and taking special measures to ensure that children remain in schools, especially in rural areas.



## **D. Rights of specific persons or groups**

### *Women*

- Increasing efforts to put an end to all forms of discrimination against women, adopting the 2018 Domestic Violence Bill into law, and continuing efforts to combat gender-based violence.

### *Children*

- Enacting the law on the protection and well-being of children in order to protect children from sexual exploitation and forced and child marriage.

### *Persons with disabilities*

- Ensuring progress in the preparation of legal and administrative measures that will ensure full access to education and employment for persons with disabilities.