



# **Convention on the Elimination of All Forms of Discrimination against Women**

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## **Committee on the Elimination of Discrimination against Women**

**Fiftieth session**

3 – 21 October 2011

### **List of issues and questions with regard to the consideration of periodic reports**

#### **Lesotho**

The pre-session working group for the forty-seventh session decided, in accordance with the decision of the Committee at its thirty-seventh session (15 January to 2 February 2007), and in the absence of the State party's initial report due in 1996, as well as its second, third and fourth periodic reports, to proceed with the preparation of a list of issues and questions.

The list of issues and questions was adopted on 12 April 2010.

On 16 August 2010, the combined initial to fourth periodic report of the State party was received.

The pre-session working group examined the combined initial and second to fourth periodic reports of Lesotho (CEDAW/C/LSO/1-4), and proceeded with the preparation of the present list of issues and questions.

#### **General**

1. Please provide more information on the process of preparation of the report and indicate to what extent non-governmental organizations (NGOs), specifically women's rights organizations, were consulted. Please also indicate whether the report was adopted by the Government and presented to the Parliament.
2. Please indicate whether the State party is considering withdrawing its reservation to article 2 of the Convention with respect to the throne and chieftainship.

#### **Article 1**

##### **Definition of discrimination**

3. The report in paragraph 23 acknowledges that according to section 18(4)(c) of the Constitution of Lesotho, the principle of discrimination does not apply to the laws relating to adoption, marriage, divorce, burial, devolution of property, death or other matters which fall within provisions of personal law, and it also does not apply where the Customary law of Lesotho governs the parties concerned. The report also indicates in paragraph 24 that

section 18 of the Constitution remains silent on discrimination that takes place in the domestic or private sphere. Please provide information on steps taken by the State party to review and amend section 18 of the Constitution.

## **Article 5**

### **Stereotypes, cultural practices**

4. Throughout the report reference is made to deep-rooted traditional and customary social patterns, norms, attitudes and stereotyped roles that contribute to continued gender discrimination and stereotyping in all areas of society, and specifically to severely disadvantaged women subject to polygamy and payment of *Bohali* (bride price). Please provide information on any existing legislation prohibiting such harmful traditional and customary practices, as well as concrete measures, such as educational programmes and awareness-raising campaigns, taken by the State party to address this issue.

5. The report refers in paragraph 88 to the Millennium Challenge Account Project 2006, which addresses the impact of cultural patterns and stereotyped roles of men and women through a number of activities, please explain these activities and elaborate on their outcome. Paragraph 93 of the report mentions the Life Skills Programme and family education recently introduced by the Ministry of Education and Training to the High Schools curricula. Please provide information on other existing public education programmes to inform women about their rights, and also explain to what extent the media contributes to such activities.

### **Violence against women**

6. Please provide information, including statistical data, on the prevalence of violence against women and girls in all its forms, including domestic violence, rape and other sexual abuses. Furthermore, please provide information on the investigation, prosecution and conviction of perpetrators in cases of violence against women including domestic violence in the last five years.

7. Please provide information on the remedies and assistance, including shelter, counselling and rehabilitation services, available to victims of domestic violence. Please also provide more details on the Domestic Violence Bill which was in the process of enactment at the time of the submission of the report.

## **Article 6**

### **Trafficking**

8. Please provide detailed information and data on the prevalence of trafficking in women and girls in Lesotho. Paragraph 109 of the report refers to a directive issued by the Cabinet on drafting the Anti-Trafficking in Persons Legislation. Please provide updated information on the status of this legislation. Furthermore, please inform the Committee on measures taken to fill the remaining gap in the Children's Protection Act 1980, mentioned in paragraph 105 of the report, as to protection of persons above 18 years of age from trafficking.

9. Please provide information on any legislation that protects women and girls from labour agencies which are engaged in trafficking as well as information on the policies and programmes addressing prevention, protection, assistance and legal support for victims of trafficking. Furthermore, please provide information and data on the number of arrests, prosecution and punishment of trafficking offenders.

**Article 7****Participation in decision-making and representation at the international level**

10. Please provide information on concrete measures taken or envisaged to achieve women's full and equal participation at all levels of decision-making at the international level, taking into account article 4, paragraph 1 of the Convention as well as the Committee's general recommendations Nos. 23 (1997) and 25 (2004).

**Article 9****Nationality**

11. The report acknowledges in paragraph 130 that the Constitution contains discriminatory provisions which prevent women from passing their nationality to their spouses of foreign nationality on the same basis as men have the right to pass their nationality to their foreign wives. Please indicate what measures have been taken or are envisaged by the Government to address this situation.

12. Please inform the Committee whether Lesotho has legislation that provides for equality of women and men with respect to transmission of their nationality to their children, in accordance with article 9 of the Convention.

**Article 10****Education**

13. Please provide information on the situation of violence and sexual harassment of girls in schools as well as legislative and other measures in place to address these issues.

**Article 11****Employment**

14. The report indicates in paragraph 44 that the employers have no legal obligation to pay wages to women on maternity leave, and it is left to the discretion of the employers to do so or to the terms of the employment contract. The report further acknowledges that according to the Labour Code Wages (Amendment) Act 2009, women in the private sector are entitled to maternity leave only if they have worked for the same employer for a continuous period of at least one year. Please provide information on measures taken, including policies, to change this situation.

15. Please provide information on measures taken by the State party to address the economic and social situation of single women heads of households.

**Article 12****Health**

16. The report refers in paragraph 175 to the Public Health Order 1970 and its subsequent regulations on communicable diseases, please inform the Committee on other existing laws and health policies, in particular policies on reproductive health and rights. Please provide information on the percentage of Government budget on health-care expenditure, specifically the budget on women's reproductive health.

17. Paragraph 193 of the report refers to the problem of high maternal mortality, but does not indicate the actual rate. Please provide recent statistics on maternal mortality rate

and its leading causes. Please also provide information on the rate of abortion including the prevalence of unsafe abortions among women in Lesotho.

18. The report refers in paragraph 188 to the HIV and AIDS Bill to be drafted. Please indicate the time frame for the elaboration and the adoption of this Bill. Please provide more information on measures taken or envisaged to combat HIV/AIDS. The report in paragraph 196 also mentions that the implementation of the National Action Plan on Women, Girls and HIV and AIDS is limited due to the lack of financial resources and capacity of the charged ministry. Please elaborate on the steps taken, such as seeking technical and financial support from international donors and United Nations organizations, to tackle this challenge.

### **Article 13**

#### **Social and economic benefits**

19. The report in paragraph 202 indicates that Laws of Lerotholi provide that only the male child can inherit land. Please provide information on measures taken or envisaged by the Government in order to eliminate inequality between women and men on this issue.

20. Please provide information on the social security framework in the country as well as the specific social benefits afforded to women. Please inform the Committee of the percentage of the population covered by social security and provide the Committee with sex-disaggregated data on social security benefits.

21. Please provide information on the number of women that have benefited from the following initiatives since their launch and the type of revenue-generating activities developed by them: (a) the Gender Credit Programme and (b) the Moliko Micro Credit Trust Project.

### **Article 14**

#### **Rural women and disadvantaged groups of women**

22. Please indicate the percentage of women living in rural areas and whether this percentage is increasing.

23. Please provide more information on the situation of women with disabilities, older women, and widows, particularly in respect to their access to education, employment and health-care services. Please also present data on prevalence of violence, including domestic violence against these women, and provide information on the laws protecting disadvantaged women from violence.

24. The report acknowledges that the limited interaction between banks and credit agencies and rural communities remains a challenge. Please provide information on measures taken to tackle this challenge.

### **Article 15**

#### **Equality before law**

25. The report in paragraph 233 notes that the tasks of dissemination of the Legal Capacity of Married Persons Act 2006 and legal capacity building of women remain a challenge for the Government. Please provide information on concrete measures taken or envisaged by the Government to tackle these challenges.

**Article 16****Family relations**

26. Please provide detailed information on the Deserted Wives and Children's Proclamation and explain if upon dissolution of marriage, women have the same rights as men with respect to custody of children and property.

**Optional Protocol and amendment to article 20, paragraph 1**

27. Please indicate any progress made with respect to ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention.

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