



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the fifteenth periodic report of Lesotho*

General information

1. Please provide information on any significant developments of a legislative, institutional or policy nature that have taken place in the State party since the previous review and that have contributed to the promotion and protection of human rights, in particular those rights covered by the Convention.
2. Please provide disaggregated data on the ethnic composition of the State party's population, including on ethnic minorities and on non-citizens such as asylum seekers, refugees, stateless persons and migrants, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999) and paragraphs 10 and 12 of its reporting guidelines.¹ Please include disaggregated data on the Indian, Xhosa and Phuthi minorities, as well as on the European and Asian populations residing in the territory of the State party.
3. Please provide information on measures taken or planned by the State party to make the optional declaration provided for in article 14 of the Convention.

Article 1

4. Please provide information on measures taken to ensure that the legal order of the State party, both at the constitutional level and at the statutory level, provides for a prohibition of discrimination in line with article 1 of the Convention and covers all of the prohibited grounds listed in that article.
5. Please provide information on the exceptions to the prohibition of racial discrimination as set out in sections 18 (4)–(6) of the State party's Constitution, including details on the extent of these exceptions, and information on how they are compatible with the provisions of the Convention, taking into account, among other things, the Committee's general recommendation No. 30 (2004) on discrimination against non-citizens.

Article 2

6. Please provide an update on the status of the Convention in the domestic legal order and on steps taken to ensure that the provisions of the Convention are disseminated among magistrates, lawyers and other law enforcement officials and among the population and are applicable in the State party, in particular by courts and tribunals as well as by other relevant bodies. Please provide information on cases in which the Convention has been applied or evoked before courts, tribunals or other bodies in the State party.
7. Please provide details on how Act on race relations of 2005 provides protection against practices of racial hatred. Please also provide information on measures taken to ensure the effective implementation of the Act.

* Adopted by the Committee at its 103rd session (19–30 April 2021).

¹ CERD/C/2007/1.



8. Please provide information on steps taken to counter expressions of xenophobia and acts of racial discrimination, including against migrant workers of Asian origin and members of their families. Please also provide information on measures taken to adopt a comprehensive legislative framework prohibiting and penalizing such acts. Furthermore, please provide information on steps taken to establish appropriate and effective remedies and redress mechanisms and to fully implement all of the State party's obligations under articles 2, 4 and 6 of the Convention.

9. Please provide information on measures taken to expedite the process of amending the law establishing the National Human Rights Commission in order to bring the Commission into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), while at the same time ensuring a transparent and participatory process involving all stakeholders. Please also provide any other information on steps taken to fully operationalize the Commission and to ensure that it has adequate human and financial resources to fully carry out its mandate.

Article 4

10. Please provide an update regarding the tensions between Lesotho nationals and white South African and Asian factory owners that had resulted in kidnapping, violence and the flight of Asian nationals from the country for fear of persecution.² Please also provide information on measures taken to resolve existing tensions and to prevent them in the future.

11. Please provide information on steps taken to amend the Race Relations Order of 1971 such that it gives effect to the provisions in article 4 (a) and (b) of the Convention.

Article 5

12. Please provide information on the enjoyment of the rights enshrined in article 5 of the Convention by non-citizens residing in the territory of the State party, including migrants, refugees, asylum seekers and stateless persons.

13. Please provide information on the participation of racial or ethnic minorities in the political process of the State party.

14. Please provide information on steps taken to ensure that all children of refugees, children of migrant workers and children who belong to ethnic minorities in the State party have unhindered access to education. Please also provide an update regarding instances of discrimination in schools and on measures taken to address such problems.

15. Please provide information on measures taken to ensure that migrant workers and members of their families have, in law and in practice, opportunities equal to those of nationals of the State party to access courts and enjoy the equal protection of the rights guaranteed by law. Please also provide information on measures taken to ensure that migrant workers enjoy treatment not less favourable than that which applies to nationals in respect of equal pay for work of equal value.

16. Please provide information on measures taken to address the exploitation of migrant workers, including by increasing labour inspections and investigating, prosecuting and punishing persons or groups that have exploited migrant workers or subjected them to forced labour and abuse, especially in the informal economy, and by reinforcing the regulatory regime for private recruitment agencies.

17. Please provide information on measures taken to ensure that administrative detention of migrant workers is used only as a last resort, and that migrant workers detained for violations of immigration law are not detained with persons accused or convicted of a crime.

18. Please provide information on measures taken to reduce statelessness, including by:

(a) Strengthening the use of mobile birth registration teams to cover remote communities and extending the birth registration process to hospitals throughout the country;

² CERD/C/304/Add.99, para. 5.

(b) Ensuring that birth registration is made available immediately after the birth of a child and that birth certificates are issued;

(c) Establishing procedures, and removing penalties, for late birth registration;

(d) Adopting legislative measures to prevent discriminatory rules and to grant nationality to children born outside Lesotho to a national of Lesotho, regardless of the parent's gender or place of birth, and to all children found abandoned on the State party's territory;

(e) Continuing efforts to raise awareness of the importance of birth registration and of the related theme of statelessness, and providing outreach, including in the remotest areas of the country, to encourage poor communities and vulnerable groups to exercise their right to registration at birth.

19. Please provide information on:

(a) The effectiveness of the implementation of the Anti-Trafficking in Persons Act of 2011, including through regulations and the national action plan, and on measures taken to amend the Act to remove force, fraud and coercion as elements required to establish the crime of trafficking in children;

(b) Support provided for victims of trafficking in persons with regard to long-term accommodation, rehabilitation and reintegration or repatriation measures; the continued provision of support to shelters for victims of trafficking that are run by non-governmental organizations; measures to provide access to care for men who are victims of trafficking; and the finalization and implementation of guidelines for proactive victim identification and standard operating procedures for referring identified victims to care, in line with the Anti-Trafficking in Persons Act regulations;

(c) Education measures and awareness-raising campaigns on the risks and the criminal nature of trafficking, aimed at migrant workers, among others, and trafficking-specific training provided to law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, health-care providers, social services personnel and the State party's embassy and consular personnel;

(d) Measures taken to cooperate at the international, regional and bilateral levels in order to counter trafficking;

(e) The number of cases of trafficking that have been addressed by national or local authorities, including investigations, prosecutions, convictions and sentences pronounced against those responsible, including officials complicit in trafficking crimes, and the remedies and protection offered to the victims.

20. While it is understood that challenges and difficulties are posed by the coronavirus disease (COVID-19) pandemic in all countries and populations around the world, please provide, in particular, information on the impact of the pandemic on the various groups and minorities protected under the Convention, and on measures taken by the State party to protect them and facilitate access to health care without discrimination.

Article 6

21. Please provide information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 6 of the Convention in the State party. Please also provide information on the steps taken by the State party to educate citizens about their rights under the Convention and the availability of redress mechanisms.

22. With regard to cases relating to racial discrimination, please provide detailed information on any complaints received, investigations conducted and recommendations made by the Office of the Ombudsman, the Police Complaints Authority or the Human Rights Unit of the Ministry of Law and Constitutional Affairs.

Article 7

23. Please provide information on measures taken to implement article 7 of the Convention, in particular regarding the dissemination of information to promote

understanding, tolerance and friendship among the racial and ethnic groups in the country. Please provide information on measures taken to promote access to and participation in cultural heritage and creative expressions, including by minorities, indigenous peoples, migrants and refugees.

24. Please provide information on measures taken to encourage organizations working in the areas of racial integration and the promotion of racial harmony, including the Chinese and Indian associations, and on the activities organized by these associations.

25. Please provide information on measures taken to preserve minority cultures and languages.

26. Please provide information on human rights education in the State party, including in relation to the rights contained in the Convention, both as provided in school curricula and as made available to the population in general.
