

BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**UPDATED BRIEFING ON LESOTHO FOR THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN**

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The human rights obligation to prohibit corporal punishment of girls and boys

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. **This briefing updates the information submitted to the Committee’s PSWG in December 2010 in light of the outcome of the UPR of Lesotho in 2010 and new information on legislation.**

Recent developments in Lesotho

As described in our previous briefing, corporal punishment of children is lawful in all settings in Lesotho – the home, schools and justice and care systems. Despite the general social and legal acceptance of this form of violence, there is no mention of it in the state party’s initial to fourth report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/LSO/1-4).

In June 2011, Lesotho passed the Child Protection and Welfare Bill into law, replacing the previous Child Protection Act (1980). We have been unable to examine a copy of the new Act, but a late version of the Bill included an article which on the one hand protected children from “torture or other cruel, inhuman or degrading treatment or punishment, including any cultural practice which degrades or is injurious to the physical, psychological, emotional and mental wellbeing of the child” but on the other introduced the concept of “justifiable chastisement” (article 16). There was apparently no explicit prohibition of corporal punishment in penal institutions and all forms of care in the Bill.

The Education Act 2010 has also been passed. Again, the full text of the Act has been unavailable for examination, but in its Bill form it included prohibition of corporal punishment in schools.

When Lesotho was examined in its Universal Periodic Review in 2010, a recommendation was made to abolish corporal punishment of children.² The Government accepted the recommendation, stating that it was already in the process of implementation.³ The current examination of Lesotho by

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

² 16 June 2010, A/HRC/15/7, *Report of the Working Group on the Universal Periodic Review: Lesotho*, para. 97.34

³ Ibid.

the Committee on the Elimination of Discrimination Against Women provides a key opportunity to follow up this assertion and to ascertain the extent to which recent law reform fully protects girls and boys from violence inflicted in the guise of discipline.

In light of these recent developments, the General Recommendation No. 19 on Violence against women adopted by the Committee on the Elimination of Discrimination Against Women in 1992, the links between corporal punishment of children and all other forms of violence, including gender-based violence, the Committee on the Rights of the Child's General Comment No. 8 (2006), and the outcome of the Universal Periodic Review of Lesotho, we hope the Committee will raise the issue of corporal punishment in its examination of Lesotho and make recommendations as appropriate to introduce and implement explicit prohibition of all corporal punishment of children in all settings as a matter of priority.

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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