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Human Rights Committee**Concluding observations on the second periodic report of Lesotho***

1. The Committee considered the second periodic report of Lesotho¹ at its 4015th and 4016th meetings,² held on 11 and 12 July 2023. At its 4031st meeting, held on 21 July 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure³, albeit more than 15 years late. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral replies provided by the delegation, and its frank and open spirit, and for the supplementary information provided in writing after the dialogue.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) National Action Plan for Elimination of Child Labour: 2023-2027
- (b) Counter Domestic Violence Act 2022
- (c) Harmonization of Rights of Widows with Legal Capacity of Married Persons Act 2022
- (d) Persons with Disability Equity Act 2021
- (e) Anti-Trafficking in Persons Amendment Act 2021
- (f) Witnesses Protection Act 2021
- (g) National Strategic Framework & Action Plan (2021-2026) to combat Trafficking in Persons
- (h) Superior Courts Practices Direction No2 of 2021
- (i) The Children's Protection and Welfare (Amendment) Bill 2021

* Adopted by the Committee at its 138th session (26 June to 26 July 2023).

¹ [CCPR/C/LSO/2](#).

² See [CCPR/C/SR.4015](#) and [CCPR/C/SR.4016](#).

³ [CCPR/C/LSO/QPR/2](#).

- (j) Gender and Development Policy 2019 – 2030
- (k) 8th Amendment to the Constitution Act 2018

4. The Committee also welcomes the State party's efforts to improve its institutional and regulatory framework, in particular through the ratification of, or accession to, the following international instruments:

- (a) The Convention for the Protection of All Persons from Enforced Disappearance, on 6 December 2013;
- (b) The Convention on the rights of Persons with Disabilities, on 2 December 2008;
- (c) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 16 September 2005;
- (d) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 24 September 2004;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 24 September 2003;
- (f) The Optional Protocol to the Convention on the Rights of the Child on the Rights of the Child on the sale of children, child prostitution and child pornography, on 24 September 2003;
- (g) The Optional Protocol to the International Covenant on Civil and Political Rights, on 6 September 2000;
- (h) The International Labour Organization Convention on Violence and Harassment 2019 (No. 190), on 15 March 2023
- (i) The International Labour Organization Convention on Worst Forms of Child Labour, 1999, on 14 June 2001
- (j) The International Labour Organization Convention on Abolition of Forced Labour, 1957 (No. 105), on 14 June 2001;

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

5. The Committee is concerned that several international and regional human rights instruments ratified by the State party have not yet been fully domesticated so they are not yet fully applicable in domestic courts, until a Parliament Act has domesticated them; and in case of conflict, the national legislation takes precedence. Furthermore, it remains concerned by the compatibility of Constitutional provisions and customary laws, with the Covenant, due to imprecise wording and terminology that allows restrictive interpretations of the law, including on freedom of movement, freedom of expression, peaceful assembly and freedom of assembly, fair trial guarantees, non-discrimination and derogations (art. 2).

6. The State party should fully domesticate through legislation all the regional and international human rights instruments it has ratified; and ensure that all the national legislation is brought into full conformity with the Covenant. It should also ensure the effective, meaningful and informed participation of civil society organizations in the implementation of the Covenant and the present Concluding Observations and all initiatives concerning them, including their diffusion.

National Mechanism for Reporting Implementation and Follow-up

7. The Committee is concerned that there has not been an adequate awareness raising campaign of the Covenant, of the recommendations of the Committee, nor of the Optional Protocol; including in local languages. The Committee regrets that civil society organisations were not adequately involved in the process. While the Committee welcomes the establishment of an inter-ministerial National Mechanism for Reporting Implementation and

Follow-up (NMRIF), in 2022, it notes with concern that according to reports, the NMRIF is not well resourced (art. 2)

8. The State party should raise awareness, including on local languages, of the Covenant, the recommendations of this Committee -and ensure their effective implementation-, and of the Optional Protocol, in close coordination with all civil society organisations. In particular, the Committee calls the State party to consider engaging regional and local actors in the dissemination process.

National Human Rights Institution

9. The Committee notes that the process of establishment of a Human Rights Commission has been ongoing since 2016. The Committee further notes that the law to create a Human Rights Commission has been incorporated in a Bill to amend the Constitution to embed the Human Rights Commission in the Constitution. The Committee regrets that the process of establishing the Human Rights Commission has taken inordinately long. The Committee is concerned by the fact that the Office of the Ombudsman cannot effectively fulfil its functions due to a lack of resources (art. 2).

10. The State party should fast track enactment of the law creating the Human Rights Commission and ensure its full compliance with the Paris principles relating to the status of national institutions for the promotion and protection of human rights. The State party should provide adequate human and financial resources to the Commission and to the Ombudsman's office so they can carry out their functions effectively.

Anti-corruption measures

11. The Committee takes note of the efforts carried out by the State party to combat corruption, however it is concerned by reports that indicate that the Directorate on Corruption and Economic Offences (DCEO) still lacks capacity to effectively investigate and prosecute corruption cases, which undermines its operational independence and its capacity to fully combat corruption; it also faces serious financial constraints. The Committee notes that a Prevention of Corruption and Economic Offences Bill was drafted in 2019, which aims to address challenges faced by the DCEO (arts. 2 and 25).

12. The State party should:

(a) Step-up its efforts to prevent and eradicate corruption at all levels, including effective implementation of legislative and preventive measures to combat corruption; including by adopting the Prevention of Corruption and Economic Offences Bill; and promote good governance, transparency and accountability;

(b) Strengthen the capacity, autonomy and financial and human resources of the DCEO;

(c) Ensure that all corruptions cases are promptly and duly tried and adequately punished.

State of emergency and security measures

13. The Committee remains concerned that derogations of rights authorized in section 21(1) of the Constitution do not appear to fulfil the strict conditions on permissible derogations provided for under Art. 4 of the Covenant, including on the lack of adequate safeguards on the principles of non-discrimination and proportionality. The Committee is also concerned about the compatibility with the Covenant of the Internal Security (General) Act of 1984, including the discretionary powers granted to the Prime Minister to suspend fundamental human rights and freedoms provided for in the Covenant. The Committee is also concerned by allegations of torture and arbitrary detentions during the state of emergency declared under the Act during the COVID-19 pandemic (art. 4).

14. The State party should bring its domestic legislation governing states of emergency in line with article 4 of the Covenant, as interpreted in the Committee's general comment No. 29 (2001) on derogations from the Covenant during a state of

emergency, and the Committee's statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2), particularly with regard to the non-derogable provisions of the Covenant. The State party should also investigate all allegations of human rights violations during the pandemic, prosecute and, if found guilty, punish perpetrators with penalties commensurate with the gravity of the offences, and provide victims with full reparation and means of protection.

Past human rights violations and impunity

15. The Committee notes with concern the lack of information regarding the establishment of the truth and the right to reparation for victims of past human rights violations, including the killings in Butha-Buthe in 1995. The Committee is concerned by allegations of a lack of investigations and accountability regarding human rights violations, that lead to impunity and lack of effective remedies or compensation for the victims (art. 2, 6, 7 and 14).

16. **The State party should consider establishing a truth and reconciliation process, that is in line with international law, to address past human rights violations. The State party should take all necessary measures to investigate those violations, hold those responsible accountable; address impunity; provide adequate remedies to victims and promote an environment of peace, reconciliation and democracy.**

Non-discrimination and equality between men and women

17. While the Committee welcomes the adoption of legislation and policies to address discrimination against women, especially in relation to access to land, the Committee remains concerned by section 18 (4) (c) of the Constitution that allows for the application of discriminatory provisions of customary law against women and girls, in particular regarding the inheritance of property, marriage, nationality and access to land and chieftaincy (Section 10 of the Chieftainship Act 1968) (arts. 2, 3, 25 and 26).

18. **The State party should:**

(a) **Consider revising Section 18 (4) (c) of the Constitution so as to ensure that its provisions are clear and unequivocal and cannot be potentially used as a ground for discrimination against women;**

(b) **Ensure that customary law is no longer applied on those matters that are not in full conformity with the provisions of the Covenant.**

19. The Committee is concerned by the discrimination based on gender and sexual orientation and disability and also against elderly women sex workers, and people living with HIV among others. The Committee regrets that sodomy is not explicitly repealed yet, as an offence under the Sexual Offences Act 2003 (arts. 2, 3, 25 and 26).

20. **The State party should:**

(a) **Combat all forms of stigmatization and discrimination on the basis of sexual orientation and gender identity, gender and disability, elderly women, as well as against sex workers and people living with HIV; including by increasing awareness raising activities and ensuring that any act of discrimination and violence is investigated, and that perpetrators are brought to justice and victims are provided with redress;**

(b) **Repeal the provision on sodomy from the Sexual Offences Act 2003.**

Violence against women

21. The Committee welcomes the measures adopted by the State party to address violence against women and children; however, the Committee notes with grave concern the high level of violence against women and girls, including the very high number of cases of domestic violence. The Committee also notes with concern that victims are reluctant to report these incidents, among other reasons for fear of stigmatization and in cases of domestic violence for fear of losing financial support. The Committee welcomes the establishment of the Gender and Child Protection Unit within the Lesotho Mounted Police Service but regrets

that there is only one Care Center to provide assistance to victims in the country and a lack of adequate legal aid assistance. The Committee is also concerned about reports of child marriage, however it notes that the Draft Children's Protection and Welfare (Amendment) Bill 2021 aims to criminalize child marriage. (arts. 2, 3, 7 and 26).

22. **The State party should intensify efforts to:**

(a) **Encourage the reporting of cases of violence against women and girls, including by ensuring that they have access to multiple forms of reporting and information about their rights and available remedies; and take measures to provide financial support to victims and economic empowering of women;**

(b) **Investigate all allegations of violence against women and girls, including domestic and sexual violence, prosecute and, if found guilty, punish perpetrators with penalties commensurate with the gravity of the offences, and provide victims with full reparation and means of protection;**

(c) **Ensure that police officers, prosecutors and judges receive appropriate training to effectively deal with cases of domestic and sexual violence and conduct awareness-raising campaigns for the general public addressing violence against women and domestic violence, including combatting stereotypes and empowering women, in urban and rural areas and addressed to all kind of audiences;**

(d) **Increase the number of shelters across the country and provide adequate free legal aid to all persons without sufficient means.**

Termination of pregnancy, maternal mortality and reproductive rights

23. The Committee takes note of the steps taken by the State party to assess the prevalence of abortion in the State party and to consider the possibility of legalizing it. Nevertheless, the Committee is concerned by the high numbers of women and girls who have recourse to illegal and unsafe abortions, in private clinics or the so-called "black market", that put their lives and health at risk. The Committee is also concerned about the legal provisions to charge staff working in private abortion clinics with a criminal offense for practising illegal abortions. The Committee is further concerned by reports of high maternal and infant mortality rates, and by the lack of adequate postnatal check and immunisations for mothers and their babies born outside public hospitals and clinics, especially in rural areas. The Committee is also concerned by credible reports of forced sterilization (arts. 2, 3, 6 and 7).

24. **Bearing in mind paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:**

(a) **Amend its legislation to guarantee safe, legal and effective access to abortion, including in rural and remote areas, where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable;**

(b) **Strengthen indiscriminatory access to sexual and reproductive health services, including affordable contraception and reproductive health services, paying particular attention to improving maternal mortality and infant mortality rates, postnatal checks and immunisations and post-abortion health care, including in rural areas; and establish control of the private clinics where illegal and unsafe abortions take place;**

(c) **Ensure that any allegation of forced sterilization is thoroughly investigated, that perpetrators are prosecuted and if found guilty punished; and provide effective remedies and compensation to victims;**

(d) **Further develop and implement comprehensive sexual and reproductive health education programmes, addressed to women, men and adolescents, with a view to preventing unintended pregnancies and effectively combat the stigmatization of women and girls who have recourse to abortion, and on the prevention of sexually transmitted infections.**

Death penalty

25. The Committee takes note that no death penalty has been carried out since 1995 and that those sentenced to death are either commuted to life imprisonment or given longer years in prison by the Appeal Court. However, it regrets that the State party still retains the death penalty and that no measures have been taken to repeal the legal provisions related to its imposition. The Committee also regrets that the State party has not yet ratified the Second Optional Protocol to the ICCPR. The Committee regrets the lack of information on measures taken to generate support for from the abolition of the death penalty, and on measures to allow individuals convicted of capital crimes to challenge their convictions and sentences based on newly discovered evidence of innocence and to receive appropriate remedies (art. 6).

26. **In accordance with its general comment No. 36 (2018) on the right to life, in which the Committee reaffirmed that States parties that were not yet totally abolitionist should pursue an irrevocable path towards complete eradication of the death penalty, de facto and de jure, the State party should consider:**

(a) **Establishing a de jure moratorium on the death penalty with a view to abolishing it;**

(b) **Acceding to the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty; and in the meantime, revise its legislation to make it compliant with article 6 (2) of the Covenant, prohibit the mandatory imposition of the death penalty and restrict the crimes for which the death penalty may be imposed on perpetrators to the most serious crimes, understood to be crimes of extreme gravity involving intentional killing;**

(c) **Carrying out effective awareness-raising measures to mobilize public opinion in support of abolition of the death penalty.**

(d) **Provide appropriate procedures to enable individuals convicted of serious crimes – including those sentenced to death or to life in person – to seek review of their convictions and sentences based on newly discovered evidence of innocence.**

Excessive use of force and freedom of assembly

27. The Committee is concerned by reports of deaths and injury following the use of live ammunition and excessive force by the police in dispersing demonstrations, as it was the case of the killings of student Kopano Makutoane (shot by the Lesotho Mounted Police Service at the National University of Lesotho, in June 2022 during a student demonstration, where six other students sustained severe injuries); and of textile factory worker, Motselisi Manase, (shot in 2021 during strike protests); in addition to other cases of excessive use of force as it was the case of the killing of Tumelo Mohlomi, a student shot at the campus of the University of Lesotho in 2017. The Committee is concerned about the lack of effective investigations and prosecutions in cases of excessive use of force. The Committee takes note that while the Police Complaints Authority (PCA) investigates Police conduct, it is not independent from the Police and it only investigates cases approved by the Minister of Police, who does not need to provide reasons for or against approval (arts. 6, 7, 9, 21 and 22).

28. **The State party should:**

(a) **Prevent and eliminate excessive use of force by law enforcement officers, including by providing appropriate training, in line with the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement; draft written guiding tools on the use of force, based on these international standards; and continue rolling out of the human rights curriculum in all security sector training institutions;**

(b) **Ensure that allegations of excessive use of force during peaceful assemblies, including strikes by workers and students demonstrations, are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished appropriately and that the victims obtain redress;**

(c) Raise awareness about the existence and mandate of the PCA; ensure its independence from the police; provide adequate human and financial resources for its functioning, facilitate access to the victims; ensure that their findings are made public and that they refer their cases directly to prosecutors.

Extrajudicial killings and enforced disappearances

29. The Committee is concerned by the pattern of extrajudicial executions and enforced disappearances involving security forces, the Lesotho Defence Force (LDF) and the Lesotho Mounted Police Service (LMPS). In this regard the Committee is concerned by the cases of Thelingoane Mota (2017), Mamoleboheng Besele (2016), Tumelo Mohlomi (2017), Khothatso Makibinyane (2016), Paseka Pakela (2016) and Lekhoele Noko (2016); as well as those of Tseliso Sekonyela (2021), Bibi Mohajane (2022), Kopano Makutoane (2022); including by reports about lack of accountability of members of the intervening security forces (arts. 6, 7, 9, 14 and 16).

30. The State party should take urgent measures to investigate promptly and thoroughly any reported case of extrajudicial killing and enforced disappearance; ensure that perpetrators are prosecuted and punished with sanctions commensurate with the gravity of the crime; and ensure that victims receive full reparation including adequate compensation.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty

31. While the Constitution prohibits torture and ill-treatment, the Committee remains concerned by the absence of a specific anti-torture legislation that expressly defines and criminalizes torture and other ill-treatment, and by the fact that the courts have not defined yet the term in their jurisprudence. The Committee is also concerned about the compatibility of Section 32 of the 2010 Penal Code with the Covenant, in particular by the lack of clear criteria for law enforcement officers about the applicability of “reasonable force” (arts. 6, 7, 10 and 24).

32. The State party should take urgent measures necessary to eradicate torture and ill-treatment, including:

(a) Urgently adopt legislation that defines torture, including revising art. 32 of the Penal Code to ensure that it is fully compliant with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant;

(b) Considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the prevention of torture.

33. The Committee is concerned by reports indicating serious and escalating incidents of allegations of torture, ill treatment, and police brutality over the past years, without accountability. The Committee takes note with concern of information about two incidents in 2022: the allegations of torture of 35 people, 16 women and 19 men at the hands of the police, following their arrest protesting against power cuts in Liseleng, Thaba-Tseka district.

34. The State party should:

(a) Conduct prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;

(b) Provide law enforcement officials, members of the judiciary, prosecutors and penitentiary staff with effective training programmes that integrate international standards, such as the Principals on Effective Interviewing for Investigation and

Information Gathering, known as the “Méndez Principles”; and provide detainees with awareness-raising programmes on the prevention of torture and ill-treatment;

(c) Consider establishing a national mechanism for the prevention of torture and an independent mechanism with a direct mandate to investigate all allegations of torture and other cruel, inhuman, or degrading treatment or punishment; and/or providing the Police Complaints Authority the necessary support to carry out this task.

Corporal punishment

35. The Committee remains concerned by the fact that corporal punishment is still allowed on both adults, (in the penal system) and children (including at home), and by the lack of legislation that explicitly prohibits corporal punishment in all settings. In this regard, the Committee is concerned in particular by article 16(2) of the Children’s Protection and Welfare Act 2011, and section 32 of the Penal Code Act 2010 (arts. 7 and 24).

36. **The State party should:**

(a) Repeal legislation allowing corporal punishment and enact legislation that explicitly and clearly prohibits all forms of corporal punishment of children and adults in all settings, encourage non-violent forms of discipline as alternatives to corporal punishment;

(b) Conduct awareness-raising campaigns about the harmful effects of corporal punishment.

Conditions of detention

37. While the Committee takes note of the information provided by the State party about lack of funds for the prison system, it is concerned by the harsh and life-threatening conditions in prisons, which include overcrowding, inmate violence, physical abuse from officers; and lack of access to adequate medical care, food and sanitary conditions. The Committee takes note of the work of the Lesotho Correctional Services (LCS) on improving the treatment, rehabilitation and reintegration of prisoners, despite its limited resources, establishing the Legal and Human Rights Unit; and of its openness to outside inspections (arts. 9 and 10).

38. **The State party should:**

(a) Take urgent measures to improve conditions of detention and ensure they are in compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(b) Reduce prison overcrowding, particularly through continuing the wider application of non-custodial measures as an alternative to imprisonment;

(c) Consider increasing the financial resources to improve conditions of detention, including better access to medical care, and to increase the capacity of the Lesotho Correctional Service and its Legal and Human Rights Unit, as well as the Office of the Ombudsman;

(d) Facilitate that all places of detention remain open to independent, effective and regular monitoring and inspection, by national, regional and international bodies, without prior notice and on an unsupervised basis; and/or consider the establishment of an independent monitoring mechanism with mandate to inspect all places of detention.

Trafficking in persons, elimination of slavery and servitude

39. While noting the State party’s efforts to combat trafficking in persons, such as the criminalization of all forms of trafficking; and the launch of a National Action Plan in 2022, the Committee is concerned by reports indicating a judicial backlog on the investigation of trafficking cases. The Committee also notes with concern that the State Party continues to

rely on one NGO to provide all services to trafficking victims; and that the number of shelters for victims is insufficient (arts. 6, 7, 8 and 24).

40. The State party should strengthen its efforts to effectively prevent and combat trafficking in persons, by inter alia:

(a) Consider prioritizing in the annual budget resources to increase the capacity to investigate cases of trafficking; bringing perpetrators to justice and sanctioning them, as well as providing further resources to the Anti-Trafficking and Migrant Control Unit;

(b) Strengthen its measures to protect victims of trafficking in persons, in particular women and children, by, inter alia, improving proper identification of victims, providing them with full reparation, including rehabilitation and adequate compensation, as well as access to effective means of protection and assistance, including shelters.

Child labour

41. While the Committee takes note of the measures adopted by the State party to combat the worst forms of child labour, the Committee is concerned about reports that indicate that it still persists, including cattle herding, and commercial sexual exploitation. It is also concerned by reports that child domestic workers do not fall within the protections of critical labour law (arts. 7, 8 and 24).

42. The State party should intensify efforts to eliminate forced labour and all forms of child labour, particularly commercial sexual exploitation, cattle herding and domestic service, including by increasing labour inspections, and by establishing an effective, easily accessible and adapted to children complaint mechanism, available throughout the country, including in rural and remote areas. It should also ensure targeted measures to protect children and that they are rehabilitated in the community.

Liberty and security of persons

43. While noting the trainings carried out with law enforcement officers in order to eliminate arbitrary arrests, the Committee is concerned by the culture prevalent in law enforcement institutions of arresting suspects in order to carry out investigations, rather than arresting them after an adequate investigation. The Committee is also concerned by credible reports about the extension of pre-trial detention up to several months, due to judicial staffing shortages and unavailability of legal counsel. The Committee notes that police officers at the rank of inspector or above can search individuals or homes without a warrant and it is concerned that the exercise of these powers without previous judicial authorisation or ensuing review, might be incompatible with provisions of the Covenant (arts. 9 and 17).

44. The State party should:

(a) Ensure that suspects are arrested following thorough, effective and impartial investigations and/or a reasonable suspicion; and that appropriate safeguards are adopted, including judicial oversight;

(b) Ensure that pretrial detention is only used as an exceptional measure and for a limited period of time, and increase the use of alternative measures to pretrial detention, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(c) Ensure that individual's or home's searches are carried out with a prior judicial authorization and that they are subject to judicial control and review; that any search complies with the principles of legality, proportionality and necessity, in conformity with the Covenant; and ensure access to effective remedies in cases of abuse.

Administration of justice

45. The Committee is concerned that despite efforts to improve the functioning of the administration of justice, such as the enactment of the Judiciary Administration Bill 2011, credible reports refer to the negative impact of the limited resources and chronic under-

resourcing in the judiciary system, which compromises its independence and integrity, as individual judges and as the institution as a whole. The Committee notes with concern the lack of skilled judges and prosecutors in the country and use of foreign judges and prosecutors in so-called high profile cases; the significant delays in the administration of justice and on the delivery of judgments, the backlog of cases (particularly before the High Court and the Court of Appeal); the reduced numbers of qualified professionals (such as on ballistics and forensics); the allegations of misbehaving in public and even cases of corruption affecting officials of the judiciary. The Committee is also concerned by the conditions of service, including the low salary of judges and prosecutors, which seem to be an obstacle in the recruitment of skilled legal practitioners to the Bench or Prosecution Service (art. 14)

46. The State party should intensify its measures to reform the administration of justice, in particular it should:

(a) Consider prioritising an increase of the national budget dedicated to the administration of justice, in order to provide it with adequate human and financial resources and support its effective and timely functioning, including by improving access to justice through provision of adequate legal aid; reducing the significant delays in the administration of justice, the treatment of judicial affairs, and delivery of judgements.

(b) Reinforce the recruitment of qualified judges, prosecutors and justice related professionals to ensure the proper administration of justice throughout its territory including by improving their conditions of service.

Independence of the judiciary

47. The Committee is concerned by the role of the executive in the appointment of certain members of the judiciary, such as the Chief of Justice and the President of the Court of Appeal, which are done by recommendation of the Prime Minister; and by the composition of the Judicial Service Commission, in charge of appointments of all Judicial Officers of all ranks, where judges do not have a majority. The Committee is also concerned by allegations that high profile and political cases are likely judged with prolonged delays or with partiality and that legal practitioners, including judges and lawyers face intimidation in such cases (art. 14).

48. The State party should:

(a) Ensure that the procedures for the selection, appointment, promotion, transfer and removal of judges and prosecutors are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the UN Guidelines on the Role of Prosecutors;

(b) Ensure that the entity responsible for the procedures mentioned above, the Judicial Service Commission, broaden the composition of its members with members of the judiciary and that it is able to discharge their functions independently and impartially without any undue political interference;

(c) Strengthen the independence of the judiciary and eliminate all forms of interference by the other branches of power in the judicial branch and on lawyers;

(d) Ensure prompt, thorough, independent and impartial investigations into all reports of undue interference and corruption of members of the judiciary and prosecute and punish the persons responsible.

Right to privacy

49. The Committee regrets that the Data Protection Commission established by the Data Protection Act 2011 is not yet operational. The Committee regrets the lack of detailed information regarding legal safeguards, such as judicial oversight, on the surveillance activities of the National Security Service and other security bodies (art. 17).

50. The State party should:

(a) Provide adequate human and financial resources for the operationalisation of the Data Protection Commission so it can effectively ensure the protection of the right to privacy in an independent manner;

(b) Ensure that any surveillance activity complies with the principles of legality, proportionality and necessity, in full conformity with the Covenant, in particular article 17. The State party should also ensure that surveillance activities are subject to effective judicial oversight mechanisms and ensure access to effective remedies in cases of abuse.

Freedoms of expression

51. The Committee remains concerned by the lack of information regarding the Printing and Publishing Act of 1967, in particular on the grounds that allow the refusal to a request to obtain a certificate of registration for newspapers, as well as on the way to challenge the refusal. The Committee notes the Lesotho Communications Authority (LCA) (established by the Communications Act 2012) and that it is in charge of the regulation of the communications sector in the country, including the granting, suspension and revocation of licenses for provision of communication services. The Committee notes with concern that the members of the Board of the Communications Authority are all appointed by the Executive; which together with the amendments to the Communications Authority Act of 2000, undermine the independence and autonomy of the LCA. The Committee is also concerned about worrying reports of attacks on journalists that could seriously undermine freedom of expression. In this regard, the Committee notes with concern the murder of Ralikonelo Joki in May 2023, who had allegedly received death threats in connection with his work; and a series of violent incidents against journalists in November 2021. In these incidents and according to reports, journalists or members of their families were targeted, including by the police (allegations of assaults and attacks), and in some cases there were also threats of revocation of radio broadcasts licenses (arts. 2 and 19).

52. The State party should take the necessary measures to guarantee the full enjoyment of freedom of expression by everyone, taking into account the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, the Committee calls the State party to:

(a) Ensure that its legislation related to freedom of expression, including the Printing and Publishing Act of 1967, the Communications Act 2012 and the Communications Authority Act of 2000, comply with the provisions of article 19 of the Covenant and General Comment No. 34 (2011); and ensure the impartial and autonomous operation of the Lesotho Communications Authority;

(b) Effectively prevent and combat acts of harassment, intimidation and violence, against journalists and media workers, to ensure that they are free to carry out their work without fear of violence or reprisals;

(c) Conduct prompt, effective and impartial investigations into allegations of threats or violence against journalists and media workers, bring the perpetrators to justice and provide victims with effective remedies, including compensation.

Participation in public affairs

53. The Committee notes that in order to address political instability that has plagued the country in recent years, the government initiated a national dialogue and stability process in order to strengthen the human rights regime and ensure efficient, transparent and accountable institutions. The Committee notes that this reform process led to a set of reforms drafted and consolidated now, in the 11th Amendment to the Constitution Act 2022 (the so-called Omnibus Bill). However, the Committee regrets that these reforms have not yet been approved by the Parliament (arts. 19 and 25).

54. The State party should speed up its reform process, with the active participation of civil society actors, and align the resulting legislation, policies and institutions with the principles and provisions of the Covenant.

55. While the Committee takes note of the efforts towards strengthening and ensuring accountability and transparency, it regrets that the State party has not yet adopted specific legislation to ensure the right of access to information on government decision-making to its citizens and the media in order to ensure transparency and accountability of government operations. The Committee takes note that a legislative framework is being prepared on this matter, the Receipt and Access to Information Draft Bill.

56. **The State party should ensure transparency and prompt and effective access to public information held by public bodies, including by developing an adequate legislative framework in consultation with civil society; in this regard, it should consider fixing a tentative timeline for the tabling and eventual adoption of the Receipt and Access to Information Draft Bill.**

D. Dissemination and follow-up

57. The State party should widely disseminate the Covenant, its two Optional Protocols, its second periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.

58. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2026, information on the implementation of the recommendations made by the Committee in paragraphs 10 (National Human Rights Institution), 28 (Excessive use of force and freedom of assembly) and 32 (Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty) above.

59. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next interactive and constructive dialogue with the State party will take place in 2031 in Geneva.
