



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE: AA/follow-up/Lesotho/57

8 April 2014

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined initial to fourth periodic report of Lesotho at the Committee's fiftieth session, held in October 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/LSO/CO/1-4). You may recall that in the concluding observations, the Committee requested Lesotho to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 13 and 39 of the concluding observations.

The Committee welcomes the follow-up report received in August 2013 (CEDAW/C/LSO/CO/1-4/Add.1) under the CEDAW follow-up procedure. At its fifty-seventh session, held in February 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 13** of the concluding observations to “speed up its Constitutional review and urgently repeal sections of the Constitution that allow discrimination based on sex/gender in matters relating to adoption, marriage, divorce, burial, devolution of property, death or other matters that fall within the provisions of personal law”: The Committee notes the absence of action taken since the issuance of the concluding observations to review and repeal sections of the Constitution that allow discrimination based on gender. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation to “include in its Constitution and other appropriate legislation prohibition of discrimination against women, which encompasses both direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention, and also include provisions prohibiting all forms of discrimination against women on all grounds, including adoption, marriage, divorce, burial, devolution of property, death or other matters that fall within the provisions of personal law, as well as where customary law is applicable”: The State party failed to adopt provisions prohibiting discrimination against women. The Committee considers that the recommendation has **not been implemented**.

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The Committee recommends that, in relation to paragraph 13 of the concluding observations, the State party provide, **by 31 December 2014**, information on actions taken to:

1) Review and repeal sections of the Constitution that allow discrimination based on sex/gender in matters relating to adoption, marriage, divorce, burial, devolution of property, death or other matters that fall within the provisions of personal law; and

2) Include in its Constitution and/or other appropriate legislation prohibition of discrimination against women, which encompasses both direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention, and also continue to include provisions prohibiting all forms of discrimination against women on all grounds, including marriage, divorce, burial, devolution of property, death or other matters that fall within the provisions of personal law, as well as where customary law is applicable.

Regarding the recommendation made in **paragraph 39** of the concluding observations to “prepare a unified family code, in conformity with the Convention, in which unequal inheritance rights, property and land rights and polygamy are addressed”: The State party indicated that the Law Reform Commission was reviewing regulations and Acts with the aim of preparing a unified code on inheritance (para.7 of the State party’s follow-up report). The Committee notes the steps taken by the State party to prepare a unified code on inheritance, but it regrets the lack of information received on measures taken to address land rights and polygamy. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation to “ensure equality between women and men in marriage and family relations, amend, without delay, all remaining discriminatory provisions and administrative regulations, including provisions and regulations relating to family, marriage and divorce, and take all necessary legislative measures to ensure that women have an equal share in all marital property, regardless of monetary and non-monetary contributions to said property”: The State party indicated that it has established the Land Administration Authority (LAA) for efficient issuance of leases, in order to assist in the effective implementation of the Legal Capacity of Married Persons Act and the 2010 Land Act 2010 which gives women the right to hold title to land without the need to inherit it and to register their rights to the said land (para.9 of the State party’s follow-up report). However, the State party failed to amend discriminatory provisions and administrative regulations, including provisions and regulations relating to family, marriage, divorce and share of marital property. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation to “prohibit polygamy, in accordance with the Committee’s general recommendation No. 21”: The State party mentioned awareness-raising activities about the proper procedures that must be followed in conducting polygamous marriages (para.15 of the State party’s follow-up report). The Committee considers that the recommendation has **not been implemented**.

The Committee recommends that, in relation to paragraph 39 of the concluding observations, the State party provide, **by 31 December 2014**, information on actions taken to:

1) Finalize the unified family code, in conformity with the Convention, and ensure that it addresses unequal inheritance rights, property and land rights and polygamy;

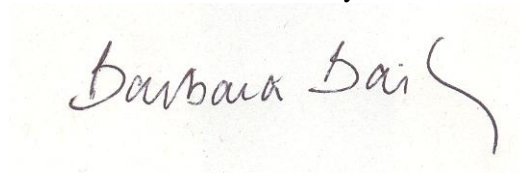
2) Amend, without delay, all remaining discriminatory provisions and administrative regulations, including provisions and regulations relating to family, marriage and divorce, and take all necessary legislative measures to ensure that women have an equal share in all marital property, regardless of monetary and non-monetary contributions to said property; and

3) Prohibit polygamy, in accordance with the Committee’s general recommendation No. 21.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Lesotho on the implementation of the Convention.

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

Yours sincerely,



Barbara Bailey  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women