



REFERENCE: YH/follow-up/Lesotho /63

13 May 2016

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 and second to fourth periodic reports of the Kingdom 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 the Kingdom of Lesotho to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13 and 39 of the concluding observations.

The Committee welcomes the follow-up report received on time in August 2013 (CEDAW/C/LSO/CO/1-4/Add.1) and the additional information received with an 11-month delay in November 2015 (CEDAW/C/LSO/CO/1-4/Add.2) under the CEDAW follow-up procedure. At its sixty-third session, held in February-March 2016 in Geneva, the Committee examined this additional information and adopted the following assessment.

Regarding the recommendation made in **paragraph 13** of the concluding observations that the State party “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”: The State party indicated that it is preparing to undertake a review of the Constitution and that it hopes that the current provisions allowing for discrimination based on gender in matters relating to marriage, burial, devolution of property, death and other matters that fall within the provisions of personal law will be repealed. The Committee notes the information provided by the State party regarding the planned Constitutional review process. However, it considers that the State party did not take concrete steps to 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. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “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

His Excellency  
Mr. Nkopane Monyane  
Permanent Representative of the Kingdom of Lesotho  
to the United Nations Office at Geneva  
Rue de Lausanne 45-47  
1201 Geneva

E-mail: [mission.lesotho@ties.itu.int](mailto:mission.lesotho@ties.itu.int)

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”: The State party indicated that it hopes that the planned Constitutional review will include in the Constitution and appropriate legislation (Inheritance legislation and Laws of Lerotholi) clauses that prohibit discrimination against women on all grounds including marriage, burial, devolution of property, death and other matters that fall within the provisions of personal law, as well as where customary law is applicable. The Committee notes the information provided by the State party regarding the planned Constitutional review process. However, it considers that the State party did not take concrete steps to 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 to 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. The Committee considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 13 of the concluding observations, the State party provide, **in its next periodic report**, additional 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 that the State party “finalize the unified family code, in conformity with the Convention, and ensure that it addresses unequal inheritance rights, property and land rights and polygamy”: The State party indicated that it has carried out national consultations to garner public opinion on the status of inheritance rights and chieftainship. The Committee notes the information provided by the State party on the results of the public consultations on the status of inheritance rights and chieftainship. However, it considers that the State party did not take specific steps to finalize the unified family code, in conformity with the Convention. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “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 reported on the establishment of the Land Administration Authority, the Land Administration Reform project, the Land Courts, the Millennium Challenge Account (MCA), Centres of Excellence, and Gender and Economic Empowerment programmes. It further mentioned that the increase in the number of women who hold title to land and can register their rights to land, since 2012, is directly attributable to these initiatives. It also stressed the awareness-raising activities undertaken to advocate for non-discriminatory citizenship acquisition. The Committee notes the information provided by the State party on increasing women’s access to hold title to land and the ability to register their rights to land. However, the Committee considers that the State party did not take concrete steps to amend

all remaining discriminatory provisions and administrative regulations, including provisions and regulations relating to family, marriage and divorce. Furthermore, it considers that the State party did not 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 Committee therefore considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “prohibit polygamy, in accordance with the Committee’s general recommendation No. 21”: The State party indicated that there are no legislative measures currently taken to prohibit polygamy in Lesotho. It added that the Law Reform Commission intends to include polygamy as a subject of contention in the review of marriage laws. It further indicated awareness-raising activities undertaken to inform the public about the proper procedures that must be followed in conducting polygamous marriages. The Committee notes the State party’s intention to include polygamy as a matter of consideration when the marriage laws are reviewed. However, it considers that the State party did not take concrete steps to prohibit polygamy, in accordance with the Committee’s general recommendation No. 21. The Committee considers that the recommendation **has not been implemented**.

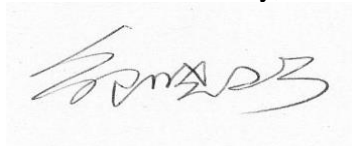
The Committee recommends that, in relation to paragraph 39 of the concluding observations, the State party provide, **in its next periodic report**, additional information on actions taken to:

- 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 the Kingdom of Lesotho on the implementation of the Convention.

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

Yours sincerely,



Xiaoqiao Zou  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women