**LESOTHO**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The Housing Rights and Human Rights Brief is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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| --- | --- | --- |
| Revision | Date | Author |
| *1* | *07/12/2015* | *SN* |
| *2* | *26/06/2016* | *SG* |
|  |  |  |

**Summary**

The Kingdom of Lesotho is governed under its 1993 Constitution which was last amended in 2001. The Constitution Lesotho provides for human rights and freedoms, including the respect of private and family life. The Constitution also provides that the State of Lesotho shall adopt policies which encourage its citizens to acquire property including land, houses, tools and equipment; and shall take such other economic measures as the state shall consider affordable.

The Ministry of Local Government and Chieftainship Affairs and the Ministry of Social Development are authorities of relevance for housing. Lesotho has a policy framework in place for the realisation of the right to adequate housing and related rights - Vision 2020.

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

UN review mechanisms have recommended the State of Lesotho to continue applying the strategies and socio-economic development plans designed for poverty reduction. UN-Habitat is present in Lesotho for example through the Participatory Slum Upgrading Programme.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Lesotho is governed under its 1993 Constitution which was last amended in 2001. The Constitution provides for the right to respect for private and family life. It also provides that the State of Lesotho shall adopt policies which encourage its citizens to acquire property including land, houses, tools and equipment; and shall take such other economic measures as the state shall consider affordable.

‘Article 11: Right to respect for private and family life

(1) Every person shall be entitled to respect for his private and family life and his home. […]’

‘Article 34: Economic opportunities

Lesotho shall adopt policies which encourage its citizens to acquire property including land, houses, tools and equipment; and shall take such other economic measures as the state shall consider affordable.’

**Government**

***Political System***

Lesotho is a parliamentary representative democracy and a constitutional monarchy. The Prime Minister is the head of government. While executive power is solely exercised by the government, legislative power is exercised by both the government and parliament. The Judiciary is an independent authority.

As a constitutional monarchy, Lesotho also has a King. The role of the King is largely ceremonial.

Ministry of Local Government and Chieftainship Affairs[[2]](#footnote-2)

One of the objectives of the Ministry of Local Government and Chieftainship Affairs is to facilitate the delivery of affordable quality houses to Basotho within properly planned settlements.

Ministry of Social Development[[3]](#footnote-3)

Some of the objectives of the Ministry of Social Development include the formulation of policy and strengthening of legal frameworks for facilitating the social development of the poor and marginalized groups. The Ministry is also charged with the task of overseeing the provision of social development services to foster universal and equitable access to all poor and vulnerable groups. The Ministry also has the objective of protecting and promoting the rights of all poor and vulnerable groups to ensure that their basic needs are met.

Vision 2020[[4]](#footnote-4)

The Vision 2020 outlines the goals which the government of Lesotho hopes to achieve by 2020.

‘2.3.4 A Healthy and Well Developed Human Resource Base

All Basotho will have access to safe drinking water and basic sanitation.’

‘2.3.5 A Strong Economy and Prosperous Nation

This state of prosperity will be manifested in reduced poverty levels where every Mosotho will afford a basic nutritious meal, adequate shelter and attain a relevant and productive education which will enhance the standard of living.’

‘2.3.6 A Well Managed Environment

The country’s urban areas will be exemplary in proper structural and infrastructural networks intended to ease life. In terms of shelter, people will observe regulations and requisite building standards, and will make optimal use of available space for housing in the urban areas. The spectacular scenery of the Lesotho highlands, the unique ecosystem and a wide biodiversity and heritage will render the country a good tourist destination.’

**Judiciary**

No legal decisions regarding adequate housing were be sourced.

**International Conventions[[5]](#footnote-5)**

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Political Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

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| --- | --- | --- | --- |
| [Treaty Description](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl03','')) | [Treaty Name](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl04','')) | [Signature Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl05','')) | [Ratification Date, Accession(a), Succession(d) Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl06','')) |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT |  | 12 Nov 2001 (a) |
| International Covenant on Civil and Political Rights | CCPR |  | 09 Sep 1992 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW | 17 Jul 1980 | 22 Aug 1995 |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |  | 04 Nov 1971 (a) |
| International Covenant on Economic, Social and Cultural Rights | CESCR |  | 09 Sep 1992 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW | 24 Sep 2004 | 16 Sept 2005 |
| Convention on the Rights of the Child | CRC | 21 Aug 1990 | 10 Mar 1992 |
| Convention on the Rights of Persons with Disabilities | CRPD |  | 02 Dec 2008 (a) |
| Convention Relating to the Status of Refugees | Refugee Convention |  | 14 May 1981 (a) |
| Protocol Relating to the Status of Refugees |  |  | 14 May 1981 (a) |

**UN Agencies**

UN review mechanisms have recommended the State of Lesotho to continue applying the strategies and socio-economic development plans designed for poverty reduction.

***Universal Periodic Review (2010)[[6]](#footnote-6)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

‘Recommendation 96.4: Continue to apply the strategies and socio-economic development plans designed for poverty reduction.’

‘Recommendation 96.10: Continue with all the initiatives and commitments to address the identified key national priorities in order to consolidate the promotion and protection of human rights, as broadly defined as these have been in the Kingdom.’

***Report of the United Nations High Commissioner for Human Rights (2010)[[7]](#footnote-7)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

The Report does not mention the right to adequate housing.

***Committee on Economic, Social and Cultural Rights***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

The Committee has not made any Concluding Observations regarding Lesotho.

***United Nations Country Team (UNCT)[[8]](#footnote-8)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

The Lesotho UNCT does not mention the right to adequate housing.

***United Nations Development Assistance Framework (UNDAFS)[[9]](#footnote-9)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work between 2002-2007 and between 2008 and 2012).*

One of the goals in the 2002-2007 UNDAF report for Lesotho, in relation to Housing and Basic Household Amenities and Facilities, was to provide adequate shelter for all, sufficient living space and avoidance of overcrowding. To achieve this, Lesotho would develop a National Shelter Policy, which was at its final phase at the time. There were also goals to improve access to safe drinking water and safe sanitation.

The 2008-2012 UNDAF Report does not mention the right to adequate housing.

***United Nations Development Assistance Plan (UNDAP- 2013-2017)[[10]](#footnote-10)***

*The United Nations Development Assistance Plan (UNDAP) is a common business plan for the United Nations agencies and national partners, aligned to the priorities of the host country and the internationally agreed development goals. The UNDAP builds on the current joint programming processes for developing an UNDAF and UNDAF Action Plan.*

Lesotho’s UNDAP does not mention the right to adequate housing.

**UN-Habitat[[11]](#footnote-11)**

UN-Habitat has worked on a number of projects in Lesotho.

UN-Habitat projects in Lesotho include:

Cities without Slums Sub-regional Initiative for Eastern and Southern Africa (2003-2005)

This programme was initiated in response to increasing urban poverty in Eastern and Southern Africa. Unplanned settlements, which host between 40% and 60% of the total urban population in the region, lack basic services and infrastructure, including adequate water, sanitation and roads.

Sustainable Maseru Programme (2006-2008)

The overall objective of the Sustainable Maseru Programme (SMP) was to build the capacity of Maseru City Council (MCC), its partners and other selected urban local authorities to achieve environmentally sustainable and socially inclusive urban development.

Urban Poverty Assessment

The project’s objective was to assess the degree of poverty in three selected second-level towns in Lesotho. An assessment has already been completed in three first level cities-including the capital Maseru.

Participatory Slum Upgrading Programme (PSUP)

Lesotho joined the Participatory Slum Upgrading Programme in 2012. It has a population of 1,924,886 inhabitants (2011). The proportion of the population living in slum areas was 35.1 percent in 2005, or 162,000 inhabitants.

**Further Information**

* The Constitution of Lesotho: <http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126743.pdf>
* Ministry of Local Government and Chieftainship Affairs: http://www.gov.ls/local/
* Ministry of Social Development: <http://www.gov.ls/social/>
* Vision 2020: <http://www.planning.gov.ls/files/Documents/National_Vision_Document_Final.pdf>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/LSSession8.aspx>
* OHCHR Report: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/109/46/PDF/G1010946.pdf?OpenElement
* UNCT: <http://www.unlesotho.org/tag/unct/>
* UNDAF: <ftp://ftp.fao.org/TC/CPF/Country%20NMTPF/Lesotho/UNDAF/UNDAF.pdf>
* UNDAP: <http://www.unfpa.org/sites/default/files/portal-document/Lesotho_UNDAP%202013-2017.pdf.pdf>
* UN-Habitat Lesotho Summary: <http://mirror.unhabitat.org/categories.asp?catid=209>
* OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

1. http://www.ilo.org/wcmsp5/groups/public/---ed\_protect/---protrav/---ilo\_aids/documents/legaldocument/wcms\_126743.pdf [↑](#footnote-ref-1)
2. http://www.gov.ls/local/ [↑](#footnote-ref-2)
3. http://www.gov.ls/social/ [↑](#footnote-ref-3)
4. http://www.planning.gov.ls/files/Documents/National\_Vision\_Document\_Final.pdf [↑](#footnote-ref-4)
5. http://www.ohchr.org/EN/countries/AfricaRegion/Pages/NGIndex.aspx [↑](#footnote-ref-5)
6. http://www.ohchr.org/EN/HRBodies/UPR/PAGES/LSSession8.aspx [↑](#footnote-ref-6)
7. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/109/46/PDF/G1010946.pdf?OpenElement [↑](#footnote-ref-7)
8. http://www.unlesotho.org/tag/unct/ [↑](#footnote-ref-8)
9. ftp://ftp.fao.org/TC/CPF/Country%20NMTPF/Lesotho/UNDAF/UNDAF.pdf [↑](#footnote-ref-9)
10. http://www.unfpa.org/sites/default/files/portal-document/Lesotho\_UNDAP%202013-2017.pdf.pdf [↑](#footnote-ref-10)
11. http://mirror.unhabitat.org/categories.asp?catid=209 [↑](#footnote-ref-11)