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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the human rights to safe drinking water and sanitation on his visit to Lesotho


Comments by the State*

* The present document is being issued without formal editing.

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Response of the government of the kingdom of Lesotho to the report of the special rapporteur on the human rights to safe drinking water and sanitation

1. The Government of the Kingdom of Lesotho wishes to express gratitude to the Special Rapporteur on the human rights to safe drinking water and sanitation for accepting and honoring the request to undertake an official mission to Lesotho. As it will be recalled, this mission is a result of Lesotho's observance to her international obligations as she is honouring the recommendations that were presented during her 2nd cycle of the Universal Periodic review Mechanism, that of extending an invitation to Special Procedures.

2. Whereas Lesotho welcomes the report and some of its findings, we would like to point out that on some issues or areas, a gloomy picture has been painted about Lesotho.

- The Special Rapporteur finds that "water, sanitation and hygiene are a bottleneck that holds the Basotho back from improving their lives, making autonomous choices on their way of living and enlarging their freedom". Although we concede that climate change (which has affected most nations) and variable rain patterns leading to periods of drought, resulting in water shortages have more or less hindered human development and poverty reduction; the above statement is, in our opinion, overstated.

- A scenario has been mentioned of rural women and girls who have been hit by HIV/AIDS pandemic and girls not attending school because of lack of sanitation during menstruation, and these have been linked to insufficient water and sanitation. The Government is partnering with civil society organizations and independent women support groups to provide sanitary towels to young school girl. This is meant to curb the number of girls who miss school during their menstrual cycle; and they are taught of maintenance and management of hygiene including the disposal of the towels provided. Pertaining to the high HIV/AIDS prevalence, Government has scaled up its efforts to achieve epidemic control by 2020 as part of initiatives to ensure that eventually Lesotho becomes an HIV free nation.

- The report mentions that some of the correctional institutions that were visited are in line with international standards with regards to water and sanitation. The report further indicates that it is expectant that other institutions are also at par. It is worth mentioning that there is a significant number of correctional facilities which have recently undergone massive renovations with the aim of bringing their conditions up to standard set by the UN Standard Minimum Rules for the Treatment of Prisoners. Such facilities include Maseru Central, Leribe, Thaba-Tseka, Mohales's Hoek and Mafeteng correctional institutions. There are also professional medical officers who play a significant role in addressing issues relating health within the facilities. The Government has enacted the Lesotho Correctional Service Act 2016 which has incorporated most provisions of the UN Standard Minimum Rules for the Treatment of Prisoners prescribing amongst others, acceptable conditions of prisons.

- The Department of Water Affairs is not responsible for water supply but supports Water and Sewerage Company (WASCO) and the Department of Rural Water Supply (DRWS) by providing all data and information on water availability, quality and to regulate water use.

- The Government of Lesotho is obliged to service its loans regardless of the beneficiary sector. The financial sustainability of the water sector is the responsibility of the Government through its normal annual budget allocations.

- The Government has a non-discriminative comprehensive plan towards drilling of boreholes for Basotho which is not inclined to any political affiliations.

- Some of the issues raised in the report are specific to certain areas of Lesotho and may not be applicable to the rest of the country. We further note that some of the concerns need to be substantiated by relevant data to avoid blanket coverage.

3. Even though economic social and cultural rights are classified as Principles of State Policy in the Constitution of Lesotho, the Government works tirelessly towards their fulfilment as they considered essential for the enjoyment of other rights (civil and political

rights). The rights to safe drinking water and sanitation are therefore, as mentioned by the Special Rapporteur, basic, cross cutting and a human rights-based approach is thus important. The right to water which is safe and of good quality is undoubtedly on Government agenda as water is a natural resource which is vital for survival of all human beings and other species.

4. Most of the recommendations that have been brought to the attention of Government are already being implemented incrementally in the daily water supply and sanitation services provision. However, we wish to respond as follows to some of them:

5. There is already an existing legislation, the Water Act 2008, which provides for the management, protection, conservation development and sustainable utilization of water resources. Further, the Government of Lesotho is embarking on the development of water supply and sanitation legislation and will embrace human rights aspects.

6. Since 2000, the Government embarked on development of the Lesotho Lowlands Water Supply Scheme to provide safe drinking water and sanitation services to populations residing in the urban and rural lowlands of Lesotho. The scheme will ensure adherence and compliance to the human rights to safe drinking water and sanitation. The scheme is implemented in phases; the first of which is the Metolong Dam and Water Supply Programme covering Maseru and Berea followed by Lesotho Lowlands Water Development Project Phase II which covers Leribe, Mafeteng and Mochale's Hoek. The next development will be undertaken in Butha-Buthe and Quthing.

7. To address water supply and sanitation services in other parts of the country (highlands), the Rural Water Supply project is implemented to improve access to water supply and access to latrines and improving the hygiene practices. Village Water Supply project provides for maintenance of existing rural water systems.

8. The Government welcomes and notes the recommendation on institutional framework to include media in the water sector. Their inclusion has been maximized as they are part of the Water Sector Coordinating Meetings for reporting back to the public. They are in the forefront in dissemination of water and sanitation issues.

9. The recommendation on the establishment of the Human Rights Commission in Lesotho is noted. Lesotho is working tirelessly towards its operationalization and conform to the international human rights standards and be compliant with the Paris Principles. At present the awareness campaigns in collaboration with civil society organizations have commenced where the public is made aware of the envisaged work of the Commission.

10. The recommendation of including hygiene and its management in national policy is noted. The pre-schools and day-care centers are regulated and thus must have water and toilets for use by young children and school staff. There are regular unannounced checks on schools to ensure they comply with the requirements.

11. The interim measure of provision of water through alternative mechanisms, such as trucks, already exists especially during periods of water shortages such as drought and water cuts for various reasons. However, the challenge of reaching the remote rural areas where there are no accessible roads is noted. This is being addressed by the Ministry of Local Government and Ministry of Public Works together to provide for roads infrastructure each fiscal year and coverage is indeed growing.

12. Regarding accessibility in the provision of water to identified villages, the villages where pipes pass through and were not in the particular project, also get to be provided with water. In the remote areas there is provision of public water taps or protected water wells, although sometimes peoples vandalize them. There is further provision of public toilets which are accessible by street vendors and other workers on the streets though they attract a minimal fee meant to cater for their maintenance and cleaning.

13. With regard to affordability, the Government put in place the regulatory authority in charge of setting the tariffs in urban areas. It is conceded that the set tariffs may be high and not affordable by all especially those in vulnerable situation or with limited economic capacity. We note that special tariffs need to be set for various users.

14. On the quality of drinking water, the Water and Sewage Company (WASCO) is designated and entrusted with this mandate. It must be acknowledged that there is some

machinery which is outdated and may be compromising the quality of water provided to the public for consumption. This challenge is being addressed through acquisition of new machinery each fiscal year until all water treatment centres in all districts are serviced. Lastly, it is further noted that lessons learnt from previous projects need to be well documented and where possible in the running projects, human rights aspects need to be incorporated.

15. As noted in the Special Rapporteur's report, water in Lesotho is one of the most valuable natural resources and can be central to the country's long-term growth aspects. The country's access to water supply services is relatively high compared to other countries in Sub-Saharan Africa, nonetheless, reliability and quality of water supply services remain a challenge in both urban and rural areas.

16. The Government remains strongly committed to the obligations that ensued when becoming a State Party to the international and regional instruments which are mutually reinforcing and equally fundamental for the effective promotion and protection of human rights. In this regard, the Government, will to the best of its ability, advance implementation of the Special Rapporteur's recommendations through linkage with the 2030 Agenda and the Sustainable Development Goals in a mutually supportive manner as they all, together, lay a solid foundation to translate into action concrete steps in the operationalization of mechanisms for compliance in the water sector for advancement of human rights in general.
