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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Lesotho

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. Ratification of the main international human rights treaties

The Optional Protocol to CAT

1. Response: Lesotho welcomes the recommendation to ratify the Optional Protocol to CAT with respect to allowing visits by Special Rapporteur in places of detention, provided that proper procedures are observed.

2. With regard to the provision relating to setting up preventative mechanisms against torture, there are already existing mechanisms such as the Office of the Ombudsman, whose mandate entails, amongst others, inspecting places of detention. Transformation Resource Centre is a Non-Governmental Organization which advocates for protection of human rights through amongst others monitoring of human rights in places of detention. Lesotho therefore welcomes this recommendation however, this will progressively be realized depending on the economic status of the Country.

The Optional Protocol to ICESCR

3. Response: Chapter III of the Constitution of Lesotho spells out principles of State Policy and these entail rights of a socio economic nature. These are not enforceable by courts of law but are to be implemented on an incremental basis, through policy, guidelines and social programmes that are subject to Lesotho's economic capacity and development. This recommendation therefore does not enjoy the support of Lesotho taking into account Lesotho's developing economy.

The Optional Protocol to ICCPR

4. Response: This recommendation does not enjoy the support of the Government of Lesotho to the extent that it calls for abolition of the death penalty. Lesotho retains the death penalty for the crimes of Murder, Statutory Rape and High Treason.

The Optional Protocol to CRPD

5. Response: Lesotho will consider ratification of this Optional Protocol after consultation with relevant stakeholders. However, she will not be time bound in respect of this recommendation.

Convention for the Protection of All Persons from enforced Disappearances

6. Response: Lesotho welcomes this recommendation and will consider its ratification after consultations with relevant stakeholders have been made.

2. Integrate and incorporate into national laws, the international human rights instruments to which Lesotho is a State party

7. Response: This recommendation enjoys the support of Lesotho to the extent that domestication of international instruments is an ongoing process hence will not consider itself time bound with respect to implementation of the recommendation; however, she remains committed to fulfilling her domestication obligations under International Law.

8. With regard to laws relating to issues of arrest, there is already in place the Criminal Procedure and Evidence Act 1981 which lays down procedures and methods that should be adopted to avoid instances of torture and inhuman and degrading treatment of suspects.

3. Remove the reservation to Article 2 of CEDAW

9. Response: This recommendation does not enjoy the support of the Government of Lesotho in that it conflicts with the Basotho Customary Law of succession to the throne and Chieftainship. This would require extensive and comprehensive consultations.

10. With regard to the recommendation to combat discrimination against women, Lesotho welcomes the recommendation and draws the attention of Member States to the following efforts that she is already undertaking in this regard: a study by Lesotho Law Reform Commission aiming at reviewing laws of succession and inheritance in compliance with international standards.

4. Implement and amend the Sexual Offences Act to ensure full accountability of offenders, compliance with human rights standards and efficient integration programmes for victims

11. Response: This recommendation enjoys the support of Lesotho to the extent that currently, the Sexual Offences Act requires the offender to undergo an HIV and AIDS testing in cases of rape to determine the status and severity of the offence. In bail application, the Act provides that the victim should have a stake to persuade the court in consideration of the bail application. The Children's Protection and Welfare Bill which is before Parliament provides for use of restorative justice for facilitation of the offender victim reconciliation.

12. With regard to the integration programmes for victims, the Government has established a one stop Centre (Lapeng Centre) for Survivors of domestic violence and the Victims of Crime Support Office. A study on Protection of Victims' Rights is being undertaken to inform the enactment of the law on protection of victims. Law Reform Commission is undertaking a study to inform the enactment of the Domestic Violence law.

5. Enhance cooperation with treaty bodies and special procedures

13. Response: The recommendation does not enjoy the support of Lesotho. Lesotho underwent the African Peer Review Mechanism process in 2009 and is still working on the implementation of the recommendations of the Mission, thus Lesotho considers that this would amount to duplication of efforts. However, Lesotho welcomes the recommendation to ensure timely submission of State Party reports. She wishes to draw attention of Member States to the following efforts that it is undertaking to fulfill its State Party reporting obligation: submission of the CEDAW report and presently working on the reports on ICESCR, CAT and the periodic report on ICCPR.

6. End the practice of using juvenile training centres to detain children as a form of alternative care

14. Response: This recommendation does not enjoy the support of Lesotho for reason that it is not factual. The Juvenile Training Centre in Lesotho is used exclusively for keeping children who are in conflict with the law and who are at risk of offending.