



**STATEMENT**

**BY THE**

**PRINCIPAL SECRETARY OF LAW, CONSTITUTIONAL AFFAIRS AND HUMAN RIGHTS  
OF THE KINGDOM OF LESOTHO**

**ADV. TEBELLO THABANE**

**AT THE**

***29<sup>th</sup> SESSION OF THE UNIVERSAL PERIODIC REVIEW***

***25 JUNE 2015,  
GENEVA, SWITZERLAND.***

**PRESIDENT OF THE HUMAN RIGHTS COUNCIL**

**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**EXCELLENCIES**

**LADIES AND GENTLEMEN**

On behalf of the Government of the Kingdom of Lesotho, on my own behalf and indeed that of my delegation, I would like to express my sincere appreciation for the opportunity to give an update on the issues that emanated from a successful interactive session with the Working Group on the Universal Periodic Review of Lesotho in January 2015.

Lesotho appreciates the objective and impartial manner in which her review was conducted and once again applauds the Working Group and welcomes its report. Lesotho had received 169 recommendations and of these, 121 recommendations enjoyed the support of Lesotho as they were in line with Government laws and policies and some were already being implemented. 24 were rejected on the ground that some were not in accordance with existing laws, policies, traditions and cultures which are deeply rooted in our society. 24 recommendations were deferred to the current session for need of further consultation whereas others lacked factual basis thus needed further clarification. May I therefore, seize the opportunity to apprise the Council on the position of the Government of Lesotho in relation to those recommendations.

With regard to the recommendation to ratify the Optional Protocol to the Convention Against Torture (OP CAT), Lesotho welcomes the recommendation with respect to allowing visits by Special Rapporteurs in places of detention. Notwithstanding non ratification of the Protocol, the Government has accepted invitations of international bodies such as the International Committee of the Red Cross and the Special Rapporteur on Prisons and Places of Detention from the African Commission on Human and Peoples' Rights to visit and inspect correctional institutions and make recommendations thereof. The recommendations that ensued are continually implemented. The Government shall endeavor to ratify this Optional Protocol in the near future. It is worth mentioning that as regards recommendation 114.9, Lesotho accepts the recommendation partially and rejects the part on ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and will expound on reasons later.

Lesotho welcomes the recommendation to ratify the 3<sup>rd</sup> Optional Protocol to the Rights of Children (3<sup>rd</sup> OP CRC) and will duly consult relevant stakeholders.

It had been further recommended that the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP CRPD) be ratified. Lesotho will consider ratification of this Optional Protocol after consultation with relevant stakeholders.

While the other recommendation called on Lesotho to adopt legislative measures to check trafficking in women and girls,

Lesotho wishes to draw attention to Member States that the Anti-trafficking in Persons Act was enacted in 2011. In order to implement the Act, the Government formulated the National Anti-Trafficking in Persons Strategic Framework and Action Plan 2014-2016 which was launched in 2014 and relevant stakeholders continue to be trained on the law. Public awareness raising and educational campaigns on the law are being held led by the Ministry of Home Affairs in collaboration with the police and civil society organizations especially at places identified as hot spots like the border posts. The schools and churches are also visited with the same purpose of raising awareness and educating school children and the community especially women and girls as they easily fall prey to this crime.

Additionally, the Children's Protection and Welfare Act 2011 has a dedicated chapter on child trafficking as a way to protect children who are trafficked. The Act has been simplified and translated into the local vernacular for easier dissemination and accessibility. The recommendation enjoys the support of Lesotho.

The recommendation to continue developing Human Rights Indicators enjoys the support of the Government. The Government will continue to assess and monitor promotion and implementation of human rights in all sectors. She will continue to evaluate policies such as the National Strategic Development Plan, Vision 2020 as well as other policy frameworks and national initiatives. Lesotho is in the process of developing a human rights policy that will serve as

a guiding tool for a coherent and coordinated fulfillment of human rights obligations in the country. The process commenced in 2013. The Plan will touch on significant issues, such as the ratification of international treaties and their implementation, the submission of overdue state party reports, access to justice, human rights education, to mention but a few.

**MR. PRESIDENT**

Regarding the recommendation to take measures to ensure universal registration of births, including the inclusion of necessary requirements and the removal of costs it is worth clarifying that registration of births and deaths is free of charge throughout country. To ensure universal access, officers regularly hold public gatherings, visit schools, churches, social gatherings and at these places, registration takes place. Training and assessment campaigns have been carried out in 6 districts to ascertain the effectiveness of the laws, the system of registration of births as well as the efficiency of the Department of National Identity Cards and Registrations. The stakeholders who were involved in the campaign include among others; District Administrators, Chiefs, Police, health care works and the general public. Consequent to the Campaign, there is a report in place, and a strategic plan is yet to be formulated addressing the shortcomings revealed by the

assessment. The recommendation enjoys the support of Government.

With regards to the recommendation to implement the July 2014 National Anti-Trafficking Action Plan and enact implementing Regulations for the 2011 Anti-Trafficking Act, including by making the changes necessary to ensure that the cases are prosecuted in the Magistrate Courts, not just the High Court, the recommendation enjoys the support of the Government. The implementation of the July 2014 Action Plan is continuous while plans are afoot to enact the regulations to implement the anti-trafficking law. It is important to point out and clarify that according to the laws of Lesotho, the Magistrate Court possesses jurisdiction to hear cases of trafficking, save for those beyond its ceiling, which are committed to the High Court for sentencing.

Lesotho welcomes the recommendation to endeavour to investigate all cases of gender violence, punish the perpetrators and compensate the victims. All cases of violence including gender violence that are reported to the police are investigated and perpetrators brought to book. Currently victims of gender violence are offered temporary shelter as a form of support while the law is taking its course. The Government is yet to establish the compensation fund as provided for by various pieces of legislation. The fund will cover all victims of crime including the gender violence victims.

As per the recommendation of meeting the target of allocating 15% of Government spending to health, Lesotho supports the recommendation. However, due to limited resources, the Government may not be able to devote the 15% of the national Budget at all times. It is worth mentioning that in the past three (3) years, Government has increased its budget allocation in the health sector. The Government shall endeavor to allocate such, when resources permit and reiterates its commitment to prioritizing health issues.

**MR. PRESIDENT**

Allow me at this juncture to deal with recommendations that do not enjoy the support of Lesotho.

Pertaining to the recommendation that dealt with the need to ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (OP ICESCR), I would like to state that 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. Taking the above reasons into

consideration, it would therefore be paradoxical to ratify this Convention.

The recommendation to accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity does not enjoy the support of the Government. Lesotho is yet to integrate and incorporate into national laws the International Criminal Court Statute as well as other related Conventions thus she needs to pay attention to domestication of already ratified Conventions.

With regards to the recommendation to take steps to decriminalize defamation and review the media related laws including the Printing and Publishing Act of 1967, the draft Media Policy is in place and it will soon be approved by Cabinet. The Policy will set the bar as far as media issues are concerned, consequently the old laws shall be reviewed in conformity with the Policy. Further, the Policy in essence disapproves defamation of character as the entire Basotho populace reacts most aggressively to defamation against any person's integrity. The recommendation does not enjoy the support of Lesotho.

There was also a recommendation to strengthen at the constitutional level and in a specific manner, the provisions that prohibit discrimination against women. Government has made strides in prohibiting discrimination against women, for example, it has enacted the Legal Capacity of Married Persons Act 2006 which rules out discrimination against women in marriage and the Sexual



Offences Act 2003 which addresses areas under the common law offence of rape. The specific provision that is still not addressed relates to succession to the throne and chieftainship. It will be recalled that this is the basis of Lesotho's reservation to Article 2 of CEDAW. An elected Government has to be considerate to the traditional values of the society that forms its electorate. In a democracy, this can only be realised in an inclusive manner, involving all, through vigorous and continuing education. Continuous advocacy and dissemination measures will therefore need to be undertaken to ensure that society appreciates this move. The recommendation therefore does not enjoy the support of Lesotho.

The recommendation to review and update laws that could lead to self-censorship, such as the Sedition Proclamation and the Internal Security (General) Act, to ensure compliance with international human rights obligations does not enjoy the support of Government. The Sedition Proclamation makes provision for the suppression of sedition and seditious publications and for punishment of such offences while the Internal Security (General) Act provides for public safety, public order, public morality, sabotage and subvention amongst others. These laws ensure that the rights of citizens are respected and protected and further that the whole nation is at peace and secure at all times in line with the international human rights obligations.

Regarding the recommendation to offer comprehensive sexuality education and ensure access to sexual and reproductive health services, including legal and safe abortion, it is worth mentioning that family planning services as well as education on the use of preferred contraceptive method is offered in most Government health facilities. The Government works in conjunction with development partners such as the UNFPA and various civil society organizations to educate the public on sexual and reproductive health. Advocacy workshops, public gatherings and forums have been held in this regard. The most recent workshop on effects of forced sterilisation was held in April 2015.

Generally, abortion is not yet legal in Lesotho, however the Penal Code 2010 provides for circumstances under which legal and safe abortion may be performed. The recommendation does not enjoy the support of Lesotho.

#### **MR. PRESIDENT**

Despite the challenges that were presented in our National Report and those which were discussed in the previous interactive dialogue, Lesotho reiterates her commitment to, amongst others, accelerate sustainable economic growth, continue to work on the establishment of the National Human Rights Commission, improve access to justice for all, intensify and continue efforts in the fight

against corruption and strive to achieve the objectives of Vision 2020 and the National Strategic Development Plan.

In conclusion, Lesotho therefore wishes to reiterate her commitment in working cooperatively with the Council and other Member States in promoting and protecting human rights for all. Lesotho delegation, therefore, looks forward to an interactive plenary session.

I thank you for your attention.

