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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.

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Lesotho's position on deferred recommendations

Recommendations that enjoy the support of Lesotho

114.1, 114.2, 114.3, 114.4, 114.5, 114.6, 114.7, 114.9 – Ratify Optional Protocol to Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT)

1. The recommendation enjoys the support of the Government of Lesotho. Lesotho acknowledges the importance of inviting special mechanisms to correctional centers and police detention cells in order to ascertain whether or not torture and other cruel, inhuman or degrading treatment or punishment exists. 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. Further, the Human Rights Commission which is to be operationalized will play a major role in promoting human rights for all including non use of force and torture in the country. The Government shall endeavor to ratify this Optional Protocol in the near future.

114.8, 114.14 – Ratify 3rd Optional Protocol to Convention on the Rights of Children (3rd OP CRC)

2. Lesotho will consider ratification of this Protocol after consultations with relevant stakeholders thus the recommendation enjoys the support of Government.

114.13 – Ratify Optional Protocol to Convention on the Rights of Persons with Disabilities (OP CRPD)

3. The recommendation is supported by the Government and as soon as internal consultations with relevant stakeholders have been completed, the Government shall endeavor to ratify the Optional Protocol.

114.15 – Adopt legislative measures to check trafficking in women and girls

4. The Anti-trafficking in Persons Act was enacted in 2011. The action plan to implement the law was launched in 2014 and relevant stakeholders continue to be trained on the law. Public awareness raising and educational campaigns on the law on anti-trafficking 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.

5. 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. Further, a local film has been produced and shown on national television to assist in the awareness and educational campaigns. The recommendation enjoys the support of Lesotho.

**114.19 – Continue developing Human Rights Indicators as suggested by the OHCHR
As an instrument that allows for a more precise and coherent evaluation of human rights policies**

6. The recommendation enjoys the support of the Government. The Government will continue to assess and monitor promotion and implementation of human rights. She will continue to evaluate policies such as the National Strategic Development Plan 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.

114.20 – Take measures to ensure universal registration of births, including the inclusion of necessary requirements and the removal of costs

7. Registration of births and deaths is free of charge throughout country. To ensure universal access, the officers regularly hold public gatherings, visit schools, churches, social gatherings and at these places, registration takes place.

8. 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 therefore enjoys the support of Lesotho.

114.21 – 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

9. The recommendation enjoys the support of the Government. The implementation of the July 2014 Action Plan is in progress while plans are afoot to enact the regulations to implement the anti-trafficking law. The Government, through relevant stakeholders, continues to hold awareness raising campaigns on trafficking to, amongst others, prosecutors, police and judicial officers. Further, campaigns were held during the Easter holidays at the border posts whereby members of the Multi-Sectoral Committee on Trafficking handed out pamphlets about human trafficking and its effects. The Committee also took advantage of radio slots to educate the public about the dangers of accepting employment from strangers; the result of which could lead to trafficking in various forms.

10. It is of importance to point out that according to the laws in 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.

114.22 – Endeavour to investigate all cases of gender violence, punish the perpetrators and compensate the victims

11. All cases of violence including gender violence that are reported to the police are investigated and perpetrators brought to book.

12. 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. The recommendation enjoys the support of the Government.

114.24 – Meet the target of allocation 15% of Government spending to health, in accordance with the Abuja Declaration

13. The Government acknowledges the need for setting aside 15% of the National budget, 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. The Government supports the recommendation.

Recommendations that do not enjoy the support of Lesotho

114.9, 114.10, 114.11 – Ratify Optional Protocol to International Covenant Economic, Social and Cultural Rights (OP ICESCR)

14. The recommendation does not enjoy the support of the Government of Lesotho. Presently, socio economic rights are enshrined under the Principles of State Policy in the Constitution. This means that full realization of these rights is progressive and depends on the availability of resources. Socio-economic rights cannot be enforced in the courts of law; hence it would be paradoxical to ratify the Optional Protocol giving jurisdiction to the Committee on ICESCR to adjudicate on cases of violations of socio-economic rights of citizens of Lesotho.

114.12 – Accession to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

15. The recommendation does not enjoy the support of Lesotho. However, she will continue with consultations with relevant stakeholders on the issue.

114.16 – Take steps to decriminalize defamation and review its media related laws including the Printing and Publishing Act of 1967

16. 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 especially those standing high in socio-economic and political leadership. The recommendation does not enjoy the support of Lesotho.

114.17 – Strengthen at the constitutional level and in a specific manner, the provisions that prohibit discrimination against women

17. 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. An elected Government has to be considerate to the traditional values of the society that forms its electorate. In a democratic society, power flows from the people. Continuous advocacy and dissemination measures will need to be undertaken to ensure that society appreciates this move. The recommendation therefore does not enjoy the support of Lesotho.

114.18 – 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

18. 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. The recommendation does not enjoy the support of the Government.

114.23 – Offer comprehensive sexuality education and ensure access to sexual and reproductive health services, including legal and safe abortion

19. Pursuant to most regional and international human rights instruments, including the Protocol on the Rights of Women in Africa and the Convention on the Elimination of All Forms of Discrimination Against Women, the Government continues to safeguard sexual and reproductive rights of women. Family planning services as well as orientation (education) on the use of preferred contraceptive method is offered in most Government health facilities. The Government works in conjunction with development partners like the UNFPA and civil society organizations such as the Lesotho Planned Parenthood Association (LPPA) and NGOs with women's rights mandate like Women and Law in Southern Africa (WILSA) and Federation of Women Lawyers (FIDA) among others; to accord sexual and reproductive health rights education to the general public. At pre and primary levels, it is offered within the life skills programme. 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.

20. 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.
