

21.09.10



UPR (Lesotho)
Report

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 May, 2010.

Lesotho appreciates the objective and impartial manner in which her review was conducted and once again applauds the Working Group on the Universal Periodic Review of Lesotho and welcomes its report. Lesotho had received 122 recommendations and of these, 36 recommendations enjoyed the support of Lesotho, 51 were accepted as they were already being implemented, 5 were rejected on the ground of their inaccuracy and lack of factual basis, while response for the 25 recommendations was deferred to the current

session for need of further consultation. May I therefore, seize the opportunity to apprise the Council on the position of the Government of Lesotho with regard 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 Rappeteurs in places of detention. However, she wishes to state the importance of proper procedures and conduct being observed with regard to such visits.

Concerning the recommendation that relates to setting up preventive mechanisms against acts of torture, I wish to indicate that there are already at the national level, existing mechanisms such as the Office of the Ombudsman, whose mandate entails, amongst others, inspecting places of detention. Transformation Resource Centre which is a Non-Governmental Organization also advocates for protection of human rights in various ways, through, among others, monitoring of human rights in places of detention. Lesotho therefore welcomes this recommendation.

It is worth mentioning that training activities on human rights issues for Law Enforcement Officials are continuing so as to ensure that human rights are placed at the core of all their activities.

MR. PRESIDENT

The other recommendation dealt with the need to ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (OP ICESCR) on which I would like to report 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. This recommendation therefore does not enjoy the support of Lesotho, taking into account that Lesotho is one of the least developed countries.

The recommendation to ratify the Optional Protocol to International Covenant on Civil and Political Rights (OP ICCPR) 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 most serious crimes of Murder, Statutory Rape and High Treason thus serves as a deterrent factor. However, there are appropriate safeguards in the execution of the death penalty such as the Pardon's Committee and the Prerogative of mercy by His Majesty the King. There has been no capital punishment carried out since 1995 and most sentences have been commuted to life or long imprisonment.

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. However, she will not be time bound in respect of this recommendation in light of the fact that implementation of this Protocol requires infrastructure, technology and resources that Lesotho does not have.

Lesotho welcomes the recommendation to ratify the Convention for the Protection of All Persons from Enforced Disappearances. Cabinet has already approved the ratification of the Convention. During the Treaty Event that will take place at the United Nations General Assembly, the Honourable Prime Minister will sign this Convention.

With regard to the recommendation to integrate and incorporate into national laws the international human rights instruments to which Lesotho is a State Party, the 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. She however remains committed to fulfilling her domestication obligations under International Law.

MR. PRESIDENT

Pertaining to domestication of the Convention Against Torture (CAT), Lesotho welcomes the recommendation and will domesticate the convention fully, safe to say she will not be time bound by this recommendation. I wish to mention that 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 of crime.

Another recommendation called for Lesotho to remove the reservation to Article 2 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). May I state that the Government of Lesotho has initiated a discussion on the issue and its position will be informed by the outcome of the discussion. Despite the existing reservation, Lesotho has undertaken measures to ensure elimination of discrimination against women and gender equality by undertaking a review of all laws that are discriminatory against women in issues of, for instance, succession, inheritance and administration of estates to ensure that these are in compliant with international standards. The Law Reform Commission has been entrusted with this task.

While the other recommendation called for Lesotho to combat discrimination against women. Lesotho wishes to draw the attention of Member States to the following efforts that she has already undertaken in this regard. Laws such as 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 have been enacted.

Regarding the recommendation to implement and amend the Sexual Offences Act 2003 to ensure full accountability of offenders, compliance with human rights standards and efficient integration of programmes for victims, Lesotho does not accept the recommendation to amend the Act for the reason that there is no law in Lesotho that bars a victim to lodge a civil claim against the offender. Moreover, Sexual Offences Act adequately addresses issues of protection of victims' rights except for want of provision for integration programmes for victims. However, the Government has established a one stop Centre (Lapeng Centre) for Survivors of domestic violence and the Victims of Crime Support Office. Studies on Protection of Victims' Rights are being undertaken by the Law Reform Commission to inform the enactment of the laws on protection of victims and domestic violence.

In addition, the Children's Protection and Welfare Bill which is before Parliament provides for use of restorative justice for facilitation of the offender and victim reconciliation. At this juncture, let me mention that intensive advocacy programmes have been held to sensitize Parliamentarians and other relevant stakeholders with regard to its implementation.

MR. PRESIDENT

The Government of Lesotho welcomes the recommendation to enhance cooperation with treaty bodies and special procedures mandate. It is however worth mentioning that Lesotho underwent

the African Peer Review Mechanism process in 2009 and is still working on the implementation of the recommendations of the Mission and once the process of implementation of these recommendations is complete, Lesotho will consider this recommendation.

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 she is undertaking to fulfill her State Party reporting obligation. The CEDAW report has been submitted to the Committee on CEDAW and we are presently working on the reports on International Covenant on Economic, Social and Cultural Rights (ICESCR), CAT and the periodic report on International Covenant on Civil and Political Rights (ICCPR). This delay of submission of reports is a result of limited resources to which Lesotho welcomes technical assistance and capacity building.

Lastly, the recommendation to end the practice of using the Juvenile Training Centre as a form of alternative care 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.

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 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 Millennium Development Goals.

Lesotho once again appreciates the frank manner in which States participated actively in the interactive dialogue. She has taken the process as an opportunity to take stock of her achievements, shortcomings and the challenges that lie ahead in addressing her human rights issues. Lesotho also welcomes the technical support offered by some Member States in response to our call for assistance.

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. We therefore look forward to an interactive plenary session.

I thank you for your attention.