

## **ADVANCE QUESTIONS TO LESOTHO**

### **CZECH REPUBLIC**

- Has the Government of Lesotho considered issuing a standing invitation to the human rights special procedures?
- Does the Government of Lesotho intend to accede to the second Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR-OP 2) as well as the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)?
- How is on national level ensured implementation of obligations from the ICCPR?
- How is in relation to persons in detention or in prison guaranteed the independent investigation of their complaints of torture or other ill-treatment?
- With regard to the promotion the rights of the child, what specific measures are available to prevent and combat the sexual exploitation of children? What national strategy is in place to ensure respect for the rights of children with disabilities and of children alleged or convicted to have violated criminal laws?

### **DENMARK**

- Will Lesotho ensure that all allegations of torture or other ill-treatment are thoroughly and impartially investigated and those responsible brought to justice?
- Denmark notes that Lesotho ratified CAT in 2001 but that the first report which was due in 2002 has not yet been submitted. When will Lesotho submit this report? And is Lesotho considering being a party to OP-CAT?
- Is Lesotho considering ratifying the outstanding core international human rights treaties, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights recently adopted by the UN General Assembly?

### **IRELAND**

#### ***Women's rights & Gender Based violence***

- Ireland acknowledges and commends the passage of the Legal Capacity of Married Persons Act 2006 which has contributed to the elimination of discrimination against women in many areas and welcomes the fact that women and men are now accorded equal rights in civil and criminal courts. Ireland also welcomes the establishment of Child and Gender Protection Units within most of the main stations of the Lesotho Mounted Police Service and looks forward to the

Units being established in all stations. We note the commencement of drafting of a Domestic Violence Bill to effectively deal with domestic violence issues and would like to know what the time frame for this Bill to be drafted and passed is?

- Ireland notes that the Ministry of Gender (with support from UNFPA) undertook a study on the prevalence and forms of gender-based violence in some districts in 2009, aiming to establish the contributing factors of gender-based violence in the respective districts, the prevalence rates in each district and those most vulnerable and affected by gender-based violence. Ireland would like to know when the results of the study will be released? Are there plans for similar studies to be conducted in the remaining districts?

### Education

- Ireland notes the provision of free primary education since 2000, and welcomes legislation enacted late last year which makes it compulsory. This will impact favourably on boys who are kept out of school to act as herd-boys, one of the reasons for the gender imbalance in education. How will the Government ensure that this is enforced, and that all children do actually receive primary school education?

### Freedom of assembly

- Ireland notes that there is a Bill before Parliament, the Public Processions and Gatherings Bill, under which civil groups and political parties will have to apply for permission from the village chief or village police to hold a public meeting or demonstration. The police and the chief would have the right to stop the meeting if they believe it poses a potential threat to safety and security. What safeguards are in place to ensure that the provisions of this Bill would not interfere with freedom of assembly?

### Human Rights Commission

- Ireland notes that in their National Report, the Government of Lesotho says that work is still in progress on the establishment of a Human Rights Commission. This has been ongoing for several years, and Ireland would like to know when the Government intends that the Commission will be formally established?

## **LATVIA**

- According to the information by the Office of the UN High Commissioner for Human Rights, 67 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. While no requests have been made by special procedures mandate holders to visit Lesotho – would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

## NORWAY

- How did Lesotho include NGO's and civil society in compiling its national report, and how will Lesotho relate to these organisations in the following up of this session?
- Norway notes that limited capacity is listed as the main reason that Lesotho is lagging behind in its reporting on international conventions. What steps are taken by the government of Lesotho in order to strengthen the capacity and submit its overdue reports on the conventions signed by Lesotho?
- In Lesotho, international conventions are not self executing. Norway is especially concerned by the reports that the Children's Protection and Welfare Bill (2004) have not yet been enacted. What steps will the Lesotho government take in order to promote legislation that will ensure domestication of the Convention on the Rights of the Child (CRC) and other conventions?
- Lesotho has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with reservation to Article 2. Norway urges Lesotho to reconsider this reservation and prohibit all forms of discrimination, whether due to customary laws or not. What steps will Lesotho consider to eliminate discrimination due to the dual law system of common and customary law?
- Lesotho is due to hold local elections in 2010. The Independent Electoral Commission (IEC) has in addition to its electoral process responsibilities, also a responsibility to promote voter awareness. Norway is concerned with the seemingly lack of information and readiness to hold an election, and the lack of capacity of the IEC. What steps will the government take to ensure the position of the IEC, and to ensure that free and fair elections are held in 2010?
- The global financial crisis and the expected decline in revenues from the SACU union will have an impact on Lesotho's financial capabilities, and Lesotho expresses concern that this might affect "Old pension grants" and "Development funds" for the councils. What measures are taken by the Lesotho government to minimize the impact of the financial crisis when it comes to social benefits and social security issues?

## SLOVENIA

- We would like to ask what measures/activities the Government of Lesotho is going to take to further promote gender equality and ensure non-discrimination in law and in practice.
- Slovenia notes with appreciation that Lesotho would like to arrange the welfare of children with the Children's Protection and Welfare Bill. We would like to **ask** the delegation when the adoption of the Bill is envisaged.

## **SWEDEN**

- In its resolutions 62/149 of 18 December and 63/168 of 18 December 2008, the General Assembly called on states to establish a moratorium on executions with a view to abolishing the death penalty. Lesotho has with one exception in 2008 upheld a de facto moratorium on the death penalty for almost fifteen years. Sweden deplores the recent revert to death sentencing and regrets that the Government of Lesotho has as yet not adopted a law abolishing the death penalty and has not signed and ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Could the Government of Lesotho elaborate on the status of the death penalty in relation to the resolutions of the General Assembly (A/RES/62/149 and A/RES/63/168), including with regard to any plans to abolish the penalty de jure and to sign and ratify the Second Optional Protocol?

- According to civil society organisations reports incidents of torture carried out by security forces and police continue to be a human rights problem in Lesotho. The Government has demonstrated a willingness to reform the criminal justice system and improvements have been made. The possible establishment of a Human Rights Commission could also be a positive development in this regard. However, impunity still exists. Furthermore, prison conditions remain unsatisfactory.

Could the Government of Lesotho elaborate on what measures are taken to thoroughly investigate allegations of torture and physical abuse committed by security forces, and to bring all perpetrators to justice. Also, could the Government of Lesotho elaborate on measures taken to bring prison conditions fully in line with United Nations standards for the treatment of prisoners?

## **UNITED KINGDOM**

- We would be grateful if you would provide information on the extent to which civil society in Lesotho was consulted in the preparation of your national report.
- Please could you tell us when the Government will establish the planned national human rights commission and if it will operate in accordance with the Paris principles designed to guide the practice of such institutions?
- Could you please elaborate on the progress of the local church mediation process, led by Bishop Philip Mokuku and supported by a SADC team of facilitators, in its efforts to resolve the continuing differences between the Government and opposition parties over the disputed 2007 election results?
- The UK notes your assessment of the effectiveness of the Mixed Member Proportional Representation Electoral Model in the Lesotho context. Given the continuing mediation efforts could you update us on plans to reform the electoral law as indicated in the SADC communiqué following the Troika summit in Maseru in February?

- The UK welcomes that capital punishment has not been carried out in Lesotho since 1995 and that the Court of Appeal has in some cases commuted death penalty sentences to life or other long prison sentences. Could you inform us whether Lesotho plans to move towards ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights which aims at abolishing the death penalty?
- We should be grateful if you would provide an update on the draft Children's Protection and Welfare Bill and when it might be expected to come into force?
- We note that efforts are continuing to improve prison conditions in light of concerns raised by the (then) Commission on Human Rights and others during the examination of Lesotho ahead of its signature of the International Covenant on Civil and Political Rights. Could you please provide an update on these efforts?
- Please could you provide an update on the progress of the draft Media Policy and the establishment of the proposed Media Council?

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