



International Covenant on Civil and Political Rights

Distr.: General
17 July 2023

Original: English

Human Rights Committee 138th session

Summary record of the 4015th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 July 2023, at 3 p.m.

Chair: Ms. Abdo Rocholl

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Second periodic report of Lesotho

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second periodic report of Lesotho (CCPR/C/LSO/2; CCPR/C/LSO/QPR/2)

1. *At the invitation of the Chair, the delegation of Lesotho joined the meeting.*
2. **Mr. Ramoeletsi** (Lesotho) said that the National Mechanism on Implementation, Reporting and Follow-up had been established in August 2021 and its members had been trained by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP). The Government, civil society organizations and various stakeholders had participated in the preparation of the second periodic report and the Covenant had been translated into local languages to facilitate its dissemination.
3. The Constitution of Lesotho guaranteed fundamental human rights and freedoms, and the State complied with its obligations under the Covenant by means of parliamentary legislation, policies and programmes. However, international law was applicable in the courts only to the extent that it was consistent with the provisions of the Constitution. Steps were therefore being taken to establish a procedure for incorporating all the international human rights treaties ratified by Lesotho into domestic law.
4. The drastic measures, such as lockdowns, that had been taken pursuant to the Declaration of COVID-19 State of Emergency Notice of 2020, had undermined certain fundamental human rights of many individuals and families. However, the measures had complied with the parameters specified in the Covenant.
5. The trial of the army officers who had been implicated in the attempted coup of August 2014 and other human rights violations had begun before the High Court.
6. The Harmonization of the Rights of Customary Widows and the Legal Capacity of Married Persons Act of 2022 abolished the practice of denying the right of widows married under customary law to inherit land.
7. The Persons with Disabilities Equity Act of 2022 prohibited all forms of discrimination on the basis of disability. In addition, the Court Rules of Procedure in Matters Involving Persons with Disabilities required reasonable accommodation to be provided for persons with disabilities in both civil and criminal proceedings.
8. Some ministries were collaborating with civil society organizations in building tolerance among high-level civil servants towards the community of lesbian, gay, bisexual and transsexual persons to ensure that they administered services to such persons without discrimination or prejudice.
9. The Counter Domestic Violence Act of 2022 prohibited all forms of gender-based violence both within and outside the family, and prescribed penalties for such acts. The Act also specified the procedures to be followed in cases of gender-based violence. The Children's Protection and Welfare (Amendment) Bill of 2021, which would criminalize child marriage, was pending cabinet approval.
10. Abortion remained illegal under the 2010 Penal Code except under certain circumstances such as rape. A court had ruled in favour of abortion in a case in which the pregnancy had resulted from sexual abuse, and a Children's Court had ordered a termination of pregnancy due to the rape of a child.
11. In view of the lack of tools to address the excessive use of force by the security forces, the Lesotho Defence Force had held a training-of-trainers workshop in March 2023 with OHCHR support, and a human rights training manual had subsequently been developed.
12. With regard to the cases mentioned in the list of issues, four members of the Lesotho Defence Force had been charged with murder in the case of Mamoleboheng Besele, which was pending before the High Court. Two members of the Lesotho Mounted Police Service had been arrested and detained in the murder case concerning Tumelo Mohlomi, which was

also pending. The case concerning the murders of Khothatso Makibinyane, Paseka Pakela and Lekhoele Noko was pending before the High Court.

13. Although the Penal Code defined torture as a crime against humanity and Lesotho had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, law enforcement agencies had reportedly subjected suspects to torture that had sometimes led to their death. The Lesotho Mounted Police Service had suspended three police officers involved in the death of a suspect and investigations were still under way. The Service held nationwide training courses on basic human rights for its members. In addition, the Police Training College, in partnership with the Faculty of Law of the National University of Lesotho, was developing a module on police brutality and the use of force for police recruits.

14. The Anti-Trafficking in Persons Act of 2011 had been amended in 2021 with a view to redefining the term “trafficking in persons” and removing the option of imposing a fine on convicted persons.

15. With a view to reducing prison overcrowding, 163 inmates had been released on royal pardon in 2022 pursuant to the provisions of the Constitution and the Criminal Procedure and Evidence Act.

16. With a view to improving access to justice, the judiciary had been allocated a budget of 124.4 million maloti for the financial year 2023/24, compared with a budget of 118.2 million maloti for the financial year 2022/23.

17. The Government was implementing a stability project with UNDP support, which focused on reforms of the judicial, parliamentary, constitutional, security, public service, economic and media sectors. A constitutional reform bill, which was frequently referred to as the Omnibus Bill, had not yet been enacted. On 22 June 2023, Parliament had signed a multi-party agreement aimed at ensuring that all parties were committed to the Omnibus Bill.

18. The general elections held in October 2022 had been declared free and fair and had resulted in a peaceful transition of power to the current tripartite coalition Government. Lesotho was unfortunately beset with challenges such as poverty, a high level of unemployment, food insecurity and a high rate of HIV/AIDS, which adversely affected its civil and political rights.

19. **Mr. El Haiba** said that the Committee had been informed that civil society organizations had not been fully involved in the preparation of the State party’s report or in the dissemination of the Committee’s concluding observations. It therefore wished to know to which stakeholders its recommendations had been disseminated. The State party also admitted in paragraph 2 of the report that no awareness-raising campaign had been conducted regarding the Optional Protocol, which the State party had ratified in 2000. Yet the Committee had been informed that civil society organizations wished to be involved in the drafting of public policies and laws relating to the provisions of the Covenant and the Protocol. Had awareness-raising campaigns concerning the Covenant and the Optional Protocol been launched since the submission of the second periodic report?

20. The Committee would appreciate additional information on the mandate of the Police Complaints Authority, the body to which it reported, its interaction with the judicial authorities and the remedies available to persons whose rights had been violated. He would be grateful for data on the number of complaints that had been brought before the courts and the action taken thereon.

21. The Committee welcomed the gradual harmonization of the national legal framework with international legal instruments. It had been informed, however, that some domestic legal provisions were inconsistent with the State party’s international obligations due to imprecise terminology conducive to restrictive interpretations of the law and certain provisions of the Covenant. The Committee wished to know whether the State party planned to review, withdraw or amend such provisions, including those derived from customary law.

22. The Committee would appreciate information on the current state of progress in establishing the National Human Rights Commission: he would like to know, in particular,

if differences with civil society concerning the procedure for appointing the members of the Commission had been resolved.

23. As the Committee had been informed that the Office of the Ombudsman was virtually unable to perform its functions owing to a lack of resources, he wished to know whether it would eventually be allocated the necessary resources.

24. **Mr. Yigezu** said he was concerned that section 21 (1) of the Constitution permitted derogations from the right to personal liberty, to freedom from discrimination, and to equality and equal protection before the law in a state of emergency, as well as from the principle of non-discrimination. It was unclear whether the derogation measures that were permissible pursuant to section 21 (1) fulfilled the requirement of proportionality and were limited to the extent strictly required by the exigencies of the situation. The constitutional provision therefore failed to meet the strict conditions governing permissible derogations set forth in article 4 of the Covenant. He wished to know whether the State party planned to review and amend section 21 (1) to ensure that it was fully consistent with the provisions of the Covenant, and to include provisions in the Constitution and relevant subsidiary laws requiring a review of emergency measures by an independent oversight mechanism.

25. The Committee had been informed that the state of emergency declared under the Internal Security (General) Act had resulted in numerous human rights violations, including torture and arbitrary detention. In addition, the Act appeared to grant wide discretion to law enforcement officers to detain anyone suspected of acts considered to be a threat to internal security without a warrant and for more than 48 hours, thus potentially violating the due process guarantees provided for in the Covenant. He would like to know if the State party intended to undertake a thorough review of the Act in order to ensure its compatibility with the Covenant.

26. The credible reports of escalating incidents of torture and excessive use of force perpetrated by members of the State party's security forces in recent years demonstrated the urgent need to enact a specific law that criminalized torture and ill-treatment. He would like the State party to provide the Committee with a timeline for the enactment of a law that complied with international human rights norms. The Committee also wished to be informed of procedures for conducting a thorough, independent and impartial investigation into past and future allegations of torture, imposing appropriate penalties and providing remedies for victims. In addition, he would appreciate information regarding offences for which perpetrators of acts of torture had been prosecuted and convicted, and regarding the remedies provided to victims.

27. With regard to the contention that section 32 of the Penal Code, on the use of reasonable force, was compatible with article 7 of the Covenant, he pointed out that the prohibition of torture under article 7 was applicable not only to acts of physical pain but also to acts that caused mental suffering, taking into account the sex, age and state of health of the victim. He wished to know whether the State party had adopted any policies, regulations or guidelines containing clear criteria for law enforcement officers on when and to whom reasonable force could be applied, bearing in mind the principles of necessity and proportionality. He also asked whether the State party intended to amend section 32 of the Penal Code in order to align it with the Covenant. The Committee would appreciate information on legal proceedings instituted against law enforcement officers for the excessive use of force, and on the outcome of the proceedings.

28. He noted that article 16 (2) of the Children's Protection and Welfare Act of 2011 did not explicitly prohibit corporal punishment: it authorized the justifiable disciplining of children. Article 32 of the Penal Code also permitted the lawful and reasonable chastisement of children. As the use of such terms could justify child abuse, it was essential to prohibit all forms of corporal punishment in all settings or institutions where children could find themselves. He wondered if the State party intended to remove existing legal provisions that permitted corporal punishment and to adopt legislation that explicitly prohibited all forms of corporal punishment.

29. **Mr. Ndiaye**, noting that a Commission of Inquiry had been established by the South African Development Community to investigate a number of violent incidents, said that it was unclear whether the alleged perpetrators – specifically, members of the police or the

Lesotho Defence Force – had been prosecuted and sentenced, and whether the victims and their families had been able to file lawsuits and receive compensation. He asked whether the State party provided training for the security forces in non-lethal crowd control methods and whether violations were addressed by independent mechanisms. The Committee would appreciate an update on the judicial follow-up to past and recent investigations by the South African Development Community or by national prosecutors or judges. He wished to know whether the perpetrators had been identified, whether victims or their families had been granted access to justice and compensation, and whether measures had been taken to curb and prevent human rights violations. He asked whether the Government planned to set up a truth and reconciliation procedure to identify the root causes of the human rights violations, to identify the alleged perpetrators and bring them to justice, to support victims or their families and to restore confidence in the justice system.

30. He wished to know whether women continued to be subjected to early or forced marriage, harmful traditional practices, trafficking and sexual exploitation, discrimination in terms of inheritance, transmission of citizenship, and access to property and chieftaincy. Did they still need their husband's permission to open a bank account or obtain a passport? Moreover, older women were targeted for rape, robberies and other violent crimes or even murder when accused of witchcraft. Sex workers and lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons were vulnerable to harassment and to physical and sexual abuse. They were also subject to discrimination with respect to access to health-care services, as were people living with HIV/AIDS. According to section 18 (4) (c) of the Constitution, customary law and the legal capacity of women married under customary law were beyond the control of the Constitutional Court. It was unclear whether sodomy was still a crime under the 2003 Sexual Offences Act.

31. He would welcome information concerning the measures taken to ensure equality between men and women, and to repeal discriminatory laws against women, especially in the fields of inheritance, access to land and marriage. He would also like to know whether the Constitutional Court had taken decisions against discrimination and whether they had had an impact on law reform. He would be grateful for information concerning laws enacted and measures taken to eliminate discrimination on grounds of race, sex, religion, birth, same-sex relations between consenting adults, gender identity, albinism and any other status. As domestic workers were subject to discriminatory practices, he wished to know whether the State party was considering acceding to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

32. He would be interested to hear about the size and professional background of the staff of the Victims of Crime Support Office and the Lapeng Care Centre. He wished to know if they had an adequate budget, how many cases had been addressed to date and whether legal aid programmes were provided for victims. He also wished to know how many cases of human trafficking had been tried during the past five years, and what measures had been taken to protect sex workers and LGBTI persons from abuse, violence and discrimination and to provide them with access to health-care services and to justice. Lastly, he asked how many persons had been prosecuted and sentenced for the murder of older women accused of witchcraft during the past five years, and what action had been taken to prevent such murders.

33. **Ms. Šurlan** said she was glad to see that the National Assembly had finally adopted the Counter Domestic Violence Act in 2022, and she would be grateful for additional information on the Act and its implementation. She wished to know in particular whether it had already had an impact and improved the situation of victims. According to the State party's report, victims were reluctant to expose domestic violence for fear of stigmatization and of losing financial support. She therefore wished to know what action had been taken to support women's economic empowerment so that they could prevent and report violent incidents without fear. She would also be interested to hear about any strategies and programmes to combat patriarchal and stereotypical attitudes and stigmatization that would encourage women to report domestic and sexual violence. As the Lapeng Care Centre only hosted victims for up to six months, she would like to know how assistance and support were provided to women who remained in danger and to women living in other towns or in rural areas. Had the State party taken any measures to prevent and combat child marriage?

34. The Committee would like to hear about plans for further training of the staff of the Child and Gender Protection Unit of the Lesotho Mounted Police Service and of other officials involved in dealing with victims of domestic and gender-based violence, especially judges and prosecutors. The Committee would be grateful for information on the number of prosecutions and convictions of perpetrators of such violence to date.

35. She enquired about plans for the potential legalization of abortion and requested information on the number of legal abortions and the estimated number of illegal abortions. She also asked whether the State party had developed a strategy to close down or control private clinics where illegal abortions were taking place.

36. Noting the encouraging data regarding the death rate in the State party, she wondered what explained the sharp decline observed.

37. She would appreciate additional information on the Adolescent Health Programme aimed at educating young girls about reproductive health issues. Did boys also have access to such education? Had any wider campaigns been organized to raise awareness of the various methods of contraception? She would welcome information on the strategy for postnatal checks and immunization for mothers who had given birth outside public hospitals and for their babies, especially in rural areas. What percentage of deliveries were made in health-care facilities?

38. **Mr. Santos Pais** said it was noteworthy that, while the State party retained the mandatory imposition of capital punishment for certain offences in its Criminal Procedure and Evidence Act and the non-mandatory imposition of such punishment for certain military crimes, the death penalty had not been executed since November 1995. He therefore wished to know whether the State party intended to maintain its de facto moratorium on the imposition of the death penalty and whether it would consider prohibiting mandatory death sentences. Referring to the Committee's general comment No. 36 on the right to life, he asked whether the State party would restrict the application of the death penalty to crimes of extreme gravity involving intentional killing. According to a recent World Population Review report, Lesotho had the third-highest homicide rate in the world. The continued existence of the death penalty had obviously failed to serve as a deterrent.

39. Noting that ratification of the Second Optional Protocol to the Covenant would depend on the outcome of a referendum on the abolition of the death penalty, he asked whether the State party intended to hold a referendum and, if so, whether it would campaign to garner public support for abolition.

40. Referring to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, he wished to know if the State party was prepared to reassess its legal framework, including section 5 (2) of the Constitution and section 42 of the Criminal Procedure and Evidence Act, with a view to complying with international standards. He also wished to know if the State party would conduct impartial investigations into allegations of police brutality and human rights violations; ensure that perpetrators were duly sanctioned; include a human rights module in the curriculum of all security sector training institutions; ensure that law enforcement actions were planned in a manner that minimized the risk they posed to human life; require mandatory reporting and investigations of lethal and life-threatening incidents; and provide forces responsible for crowd control with less lethal means and adequate protective equipment in order to obviate their need to resort to lethal force.

41. Referring to a student demonstration in June 2022, during which the Lesotho Mounted Police Service had opened fire with live ammunition, killing one student and severely injuring six others, he would like to know whether the State party considered that such conduct complied with the principles of necessity and proportionality, and whether it would reassess its legal framework governing freedom of assembly, in line with the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

42. The Committee wished to know whether the State party planned to ensure that the general public had direct access to the Police Complaints Authority and were aware of its mandate. Noting that the Authority currently investigated cases approved by the Ministry of Police and Public Safety, he asked whether the State party intended to ensure that the Authority could publish its findings and refer cases directly to the criminal prosecution

service. The Committee would be grateful for statistics concerning complaints lodged with the Police Complaints Authority, disaggregated in terms of disciplinary action or criminal proceedings and remedies provided to victims. He asked whether victims were required to institute civil proceedings against the Ministry in order to obtain monetary compensation for misconduct by law enforcement officers.

43. The Committee wished to know what steps the State party intended to take to ensure the prompt and thorough investigation of any reported case of extrajudicial killing or enforced disappearance, and to ensure that the perpetrators were prosecuted and punished with sanctions commensurate with the gravity of the crime. It also wished to hear about measures to ensure that victims received full reparations in a timely manner, particularly since they had hitherto been prevented from accessing reparations owing to the length of the criminal proceedings.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

44. **A representative of Lesotho** said that the Government was conducting comprehensive consultations with all stakeholders, particularly the parties represented in the National Assembly and the Senate, with a view to achieving a consensus on the enactment of the Omnibus Bill. The multi-party agreement signed in June 2023 was designed to prevent parties from impeding the reform process. The National Human Rights Commission would be constituted following the enactment of the Omnibus Bill.

45. He refuted the suggestion that the awareness-raising campaign concerning the State party's report and the Committee's concluding observations had not involved civil society organizations. For example, the Transformation Resource Centre and the Lesotho Council of Non-Governmental Organizations had been involved.

46. Plans were in place to strengthen the Police Complaints Authority by granting it independence from the police service.

47. While no information campaigns had been conducted specifically on the provisions of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, several campaigns had been conducted to raise awareness of the Covenant itself and had targeted relevant stakeholders, such as the police, the army and the prison service.

48. **A representative of Lesotho** said that, under national policy on HIV, his Government recognized the importance of prioritizing the needs of sex workers, who were vulnerable to sexual violence and, owing to their marginalization, had limited access to health-care services. Some government ministries, in collaboration with civil society organizations, had conducted a series of activities aimed at building tolerance among high-level government officials towards the LGBTI community. The goal was to ensure that civil servants were well positioned to provide services to the minority group without discrimination or prejudice. In order to reduce instances of violence against older persons accused of witchcraft, awareness-raising campaigns would be conducted with a view to reducing stigmatization.

49. As for the current situation with respect to harmful traditional practices in Lesotho, there were no reports of female genital mutilation, an awareness-raising campaign had been launched in 2017 to address the issue of child brides, and a draft amendment to the Children's Protection and Welfare Act of 2011 criminalizing child marriage had been finalized and was now pending Cabinet approval.

50. Regarding the issue of torture, he said that the Cabinet had already approved the drafting of a policy on torture, which would in turn lead to the drafting of legislation to prevent and punish torture and provide redress to victims. In line with its reporting obligations under the Convention against Torture, Lesotho was currently preparing its initial report under the simplified reporting procedure.

51. **A representative of Lesotho** said that, to address the discrimination against women and girls arising from the application of customary law, his Government was drafting new legislation that upheld women's rights and was taking steps to incorporate into national legislation the provisions of international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Labour Code Order No. 24 of 1992 provided for equal opportunity and treatment

in employment; the Legal Capacity of Married Persons Act of 2006 improved protection of the rights of married women; and a new law enacted in 2022 provided for the right of widows to inherit property, which, under customary law, would have been inherited by the eldest son of the deceased. Nevertheless, many people in Lesotho, including women, remained attached to customary practices and roles, where men were considered to be the main providers and women the primary caregivers. As a result, many women, despite being aware of their rights, did not fully exercise them.

52. **Mr. Ramoeletsi** (Lesotho) said that, in the case of the killing of Lisebo Tang, referred to in paragraph 39 of the report, the Lesotho Defence Force had provided reparations to the beneficiaries of the deceased in the form of a house, payment of school fees for the child of the deceased and payment of monthly groceries. The Ombudsman had intervened in 2022 and awarded compensation to the family amounting to 300,000 maloti, which the Lesotho Defence Force paid.

53. Lesotho had made significant progress in incorporating into national legislation the provisions of the Convention against Torture. War crimes and crimes against humanity were criminalized under sections 95 and 96 of the Penal Code, while the definition of torture under section 94 (2) (b) was couched in terms similar to those used in article 1 of the Convention against Torture. Progress on drafting anti-torture legislation had been stalled because of the coronavirus disease (COVID-19) pandemic, but drafting efforts had now been resumed in earnest. As to the ratification of optional protocols to human rights conventions, his Government would consider the matter further.

54. While there was no blanket ban on the use of corporal punishment in all settings, corporal punishment was prohibited in schools under the Education Act of 2010 and the use of corporal punishment in homes was strictly governed by the Children's Protection and Welfare Act of 2011, which required parents to take into account the age of the child and the child's ability to appreciate the purpose of the disciplinary measure.

55. **A representative of Lesotho** said that his Government had endeavoured to improve the rate of reporting of gender-based violence by raising awareness of the issue and working with non-governmental organizations to reduce the stigma associated with it. Some of those organizations offered victims psychological support and, where necessary, legal services, both free of charge. To improve the service provided by the Child and Gender Protection Unit of the Lesotho Mounted Police Service, training on issues related to women and violence had been introduced at the Police Training College. In addition, there had been an exchange within the Southern African Development Community of information and expertise on how to handle sensitive and complex cases of gender-based violence.

56. To address issues associated with maternal mortality and abortions, the Ministry of Health had engaged a consultant to develop guidelines on post-abortion care and training on the performance of manual vacuum aspiration procedures. Family planning support was provided at the local level by village health workers, and mobile clinics and outreach programmes were conducted frequently by teams composed of a nurse, a counsellor and a youth outreach officer. In addition, the Ministry of Health had introduced a midwifery programme designed to reduce maternal mortality and, in an effort to overcome taboos around sex education, had developed guidelines for parents on communicating with their children about sex.

57. Regarding the rights of older persons, his Government was committed to implementing the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. It had already adopted a policy on the promotion and protection of the fundamental rights of older persons and was in the process of drafting a bill on the protection of older persons from abuse.

58. **A representative of Lesotho** said that her Government had initiated campaigns to raise public awareness of the work and mandate of the National Human Rights Commission. The process of getting the Commission operational might seem slow, but her country was determined to make sure it rested on solid foundations and was in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), so that it would be accredited with A status by the Global Alliance of National Human Rights Institutions from the beginning.

59. The State party would proceed with the referendum on repealing the death penalty as it was important for the people to have their say. If the result of the referendum was to retain the death penalty, Lesotho would not be in a position to ratify the Second Optional Protocol to the Covenant.

60. **A representative of Lesotho** said that the death penalty might exist in legislation but did not exist in practice: an appeal against the death penalty would, as a matter of course, be commuted to life imprisonment by the Court of Appeal. Regarding section 5 (2) of the Constitution, which allowed for the use of lethal force for the defence of any person from violence or for the defence of property, he said that the use of such force against a thief would likely not be regarded as excessive in view of the numerous instances in Lesotho where persons were killed for their property. He wished to note that, pending the establishment of a national human rights institution, a number of existing institutional frameworks served to promote and protect human rights, including the Directorate on Corruption and Economic Offences and the Office of the Ombudsman. The mandate of the latter was to deal with complaints of maladministration, corruption, injustice and human rights violations brought against government agencies, statutory corporations or official employees of such agencies or corporations.

61. **Mr. Ramoeletsi** (Lesotho) said that the delegation welcomed the suggestion by the Committee to consider taking action to educate not only girls but also boys about reproductive rights. Such action would fit in with its efforts to reduce the high rate of mortality associated with the termination of pregnancy.

62. **A representative of Lesotho** said that consultations on potential procedures for legally documenting a person's self-identified gender, were ongoing, including with the Office of Parliamentary Counsel, the judiciary and various ministries. Sodomy was not explicitly decriminalized in the Sexual Offences Act of 2003, but did not constitute an offence when it took place between consenting adults. No reference was made in the Act to the gender of the adults.

63. Recalling that the holding of public meetings and processions was governed by the Public Meetings and Processions Act of 2010, he said that a special operations unit had been established within the Lesotho Mounted Police Service to ensure that riots were controlled in a professional manner without incurring fatalities. In addition, police officers were provided with relevant training, which would help avoid fatalities during processions in the future.

64. **Mr. Ramoeletsi** (Lesotho) said that, following discussions some years previously on whether to ratify the ILO Domestic Workers Convention, 2011 (No. 189), it had been decided that the provisions of the Convention would be too challenging to implement. A recommendation had therefore been issued to the Ministry of Labour and Employment to draw up regulations on domestic work in Lesotho. Consultations between workers' and employers' associations on the regulations were ongoing.

65. **A representative of Lesotho** said he wished to clarify that no prisoner was currently on death row. The two persons who had previously been on death row had each appealed their sentence, following which the Court of Appeals had commuted their sentences to life imprisonment. As to the death of the student Tumelo Mohlomi as a result of shots fired by police officers, the use of force had been considered excessive, and investigations into the incident were ongoing.

66. **A representative of Lesotho** said that his Government had established a national database for cases of trafficking in persons in Lesotho. In addition, the Ministry of Home Affairs had established a multisectoral committee on trafficking; the Ministry's Department of Immigration provided assistance with regularizing the situation of victims of trafficking. In addition, the Ministry had supported the training-of-trainers for officials of the criminal justice system, including prosecutors, immigration officials, labour inspectors and police officers. Lesotho only had one support centre for victims of trafficking in the whole country, and would certainly benefit from more.

67. **A representative of Lesotho** said that, as part of efforts to support lesbian, gay, bisexual and transgender persons in Lesotho, representatives of their community were

routinely invited to events commemorating human rights. For instance, representatives had been invited to sit on a panel as part of celebrations of the seventy-fifth anniversary of the Universal Declaration of Human Rights, at which they had shared some of the challenges they faced on a daily basis.

68. **A representative of Lesotho** said that the delegation had noted the Committee's concerns about the provisions for access to chieftaincy pursuant to section 18 (4) (c) of the Constitution, on the application of customary law, which were discriminatory against women. The State party would take those concerns into consideration but was mindful of the deeply rooted cultures and traditions in Lesotho and the challenges involved in changing citizens' mindsets. The views of the electorate were important and she believed that a bottom-up approach should be taken to such matters.

69. **A representative of Lesotho** said that the State party would review the Internal Security (General) Act of 1984 and section 21 (1) of the Constitution for consistency with the provisions of the Covenant. Any proposed amendment to the Constitution would have to be put to a referendum. Regarding the killings of Lieutenants-General Mahao and Motšo-Motšo, criminal proceedings were currently under way before the High Court. Lastly, he said that the courts were inundated with claims for compensation for police brutality and the liability of such claims was often not called into question.

70. **Mr. El Haiba** said that he would be interested to know whether there was a projected time frame for the constitution of the National Human Rights Commission. He would also be interested to know more about the National Mechanism on Implementation, Reporting and Follow-up, including its role and status. Noting the State party's intention to strengthen the Police Complaints Authority by granting it independence from the police service, he wished to know more about the practical options for granting such independence. A national human rights institution would not be prohibited under the Paris Principles from cooperating and collaborating with the police. Lastly, he wished to note that a high number of claims for compensation was not necessarily a negative sign, as it could indicate a high level of awareness among the general population about human rights. In that connection, the Committee wished to know more about the involvement of non-governmental organizations in raising awareness about the Covenant.

71. **Ms. Šurlan** said that she would like to know more about the procedures for allowing victims of domestic or gender-based violence to access shelters, such as whether access was entirely free and whether victims were obliged to register following a threat or incident. She also wished to know whether the staff in private abortion clinics could be prosecuted for performing illegal abortions and whether women who had had a clandestine abortion could be prosecuted. If so, in either case, how many investigations and prosecutions had been carried out, and how many cases had ended with a conviction? Lastly, she would be grateful to know whether the State party had investigated allegations by a non-governmental organization of forced HIV testing and forced sterilization, as such practices could be in violation of the Covenant.

72. **Mr. Santos Pais** said that he would be interested to know whether the Government would campaign for or against the abolition of the death penalty in the event of a referendum. He wondered if the death penalty served as a practical deterrent to murder in view of the alarmingly high incidence of murders and the low conviction rate. Regarding the excessive use of force, he noted that the international standards on the use of firearms allowed for their use in self-defence or in defence of others against imminent threat of death or serious injury; the defence of property alone was not sufficient cause. As to the Police Complaints Authority, he wondered whether the fact that complainants were not able to submit complaints of police brutality directly to the Authority, but instead had to submit them to the Ministry of Police and Public Safety, might undermine complainants' confidence in a successful outcome. Lastly, he would be grateful to hear about more cases where criminal proceedings for extrajudicial killings or forced disappearances had been brought before the courts.

73. **Mr. Yigezu** said that he would be grateful to know whether the State party had a tentative time frame for the completion of its draft policy on torture. In addition, noting once again that section 32 of the Penal Code provided for the use of reasonable force, he wished to know whether any safeguards were in place to protect persons, including children, against

the use of such force and whether such safeguards were in compliance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). Lastly, he was concerned by the potential for the lawful excessive use of force against children under current legislation; he wished to know whether the State party planned to abolish corporal punishment entirely.

74. **Mr. Helfer** said that he wondered whether the State party had a procedure in place to allow individuals convicted of serious crimes, including those sentenced to death or life imprisonment, to seek a review of their convictions and sentences on the basis of newly discovered evidence. He also wondered whether the State party provided compensation to persons found to have been wrongly convicted of serious crimes, in line with article 14 (6) of the Covenant.

75. **Mr. Ndiaye** said that he wished to know whether women accused of witchcraft were still being killed in Lesotho. Noting that many legislative and judicial processes were very slow, he wondered whether foreign judges might be permitted to work in Lesotho to speed up such processes.

The meeting rose at 6 p.m.