

**THE KINGDOM OF LESOTHO
INTRODUCTORY STATEMENT
DURING THE PRESENTATION OF THE INITIAL,
SECOND, THIRD AND FOURTH COMBINED
REPORT ON THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN (CEDAW)**

TO THE

**50TH SESSION OF THE UNITED NATIONS
COMMITTEE ON CEDAW**

PRESENTED BY

**HON. MPEO MAHASE-MOILOA,
MINISTER OF JUSTICE AND HUMAN RIGHTS
AND CORRECTIONAL SERVICES**

11 OCTOBER 2011

**Chairperson of the CEDAW Committee,
Distinguished Members of the CEDAW Committee,
Ladies and Gentlemen,**

Allow me to begin by congratulating you for being elected to chair the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the manner in which you have managed the conduct of this important Committee.

On behalf of the Government of the Kingdom of Lesotho and on my own behalf and indeed that of my delegation, I would like to express our sincere gratitude to the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for affording the Kingdom of Lesotho this opportunity of presenting her initial, second, third and fourth state party report on the state of play and measures being taken by the Government in the promotion and protection of the rights of women. The late submission of our report has been caused by insufficient financial and human resources. The Government of the Kingdom of Lesotho has however not relented on her obligation and determination to uphold the human rights of her people. In May 2010, the Government of the Kingdom of Lesotho was reviewed under the Universal Period Review Mechanism and that has proved useful to the CEDAW reporting process.

Chairperson

It is indeed a great honour and privilege for me to introduce the Kingdom of Lesotho's delegation which comprises of :

Hon. 'Mathabiso Lepono,	Minister of Gender, Sports Youth and Recreation; (Head of Delegation)
Mr. Tšeliso 'Mokela,	Principal Secretary in the Ministry of Gender and Youth, Sports and Recreation
Mr. Retšelisitsoe Masenyetse	Principal Secretary, in the Ministry of Justice and Human Rights and Correctional Service;
H.E. Dr. A. M. Maruping	Ambassador, Permanent Mission of Lesotho- Geneva;
Mr. Rethabile Mosisili	Deputy Principal Secretary in the Ministry of Gender
Ms 'Matau Futho Letsatsi,	Director, Ministry of Gender and Youth, Sport and Recreation;
Ms. Polo Chabane,	Chief Legal Officer, Human Rights Unit, Ministry of Justice;
Mr. Mohau Tsilo,	Principal Gender Officer, Ministry of Gender and Youth, Sports and Recreation;
Ms. Nthabiseng Lelisa,	Legal Officer Ministry of Foreign Affairs and

Mr. Ntsime Jafeta	International Relations; Counselor of the Permanent Mission of Lesotho-Geneva;
Ms. Miranda Tabifor	Gender Advisor, Ministry of Gender and Youth, Sports and Recreation
Mr. Basia Bless	Programme Officer for Gender, United Nations Populations Fund
Ms.'Mamosa Mohlabula Nokana	Programmes Manager, Women and Law in Southern Africa.

The composition shows the Government of the Kingdom of Lesotho's commitment to CEDAW.

Chairperson, the Lesotho delegation perceives the presentation and examination of her national report as a worthwhile process and opportunity of taking stock of our achievements, shortcomings and the challenges that lie ahead in the advancement of women's rights and gender equality. The delegation is optimistic that this forum will generate a very open, constructive and inspiring dialogue.

In recognition of the significant role that other stakeholders play in the implementation of CEDAW, the Government of the Kingdom of Lesotho ensured that the Preparation of Lesotho's report was both highly participatory and fully inclusive. A Validation Stakeholders' Workshop was held

and participants included Government Ministries, Non-Governmental Organizations, Civil Society Organizations and Development Partners. The report was also presented to the Parliament. This inclusive approach created a sense of ownership among different structures on the State report.

Chairperson, this Statement highlights progress made on specific legislative, administrative, programmatic and other measures taken to protect and promote women's rights since the submission of the report to the Committee last year.

When examining Lesotho's report under the International Covenant on Civil and Political Rights (ICCPR), the Human Rights Committee recommended that efforts be undertaken and laws be enacted to rectify the situation where some of the provisions of the Constitution and Laws of Lesotho are not compatible with ICCPR, and as a means of implementing this recommendation, The delegation wishes to point out that a series of public gatherings to sensitize people on the review of the Customary Laws of Leretholi 1903 in harmony with Legal Capacity of Married Persons Act 2006, are being held by Lesotho Law Reform Commission. As you will recall, we have mentioned in our report that Lesotho has a dual legal system consisting of the Common Law and Customary Law. Customary Law derives its force from traditional norms and cultural practices which have been molded over centuries. Efforts to change these laws and practices can be challenging, more especially in a society that has been instilled with these

practices for years.

Chairperson, significant developments have been made with regards to the intention of the State to remove its reservation to the Convention as it relates to Article 2 on Succession to the Throne of Lesotho. The Government of the Kingdom of Lesotho through the Ministry of Law and Constitutional Affairs made a Sixth (6th) Amendment to the Constitution Act 2010 which takes care of amongst others the enactment of the Referendum Act. This will be a window of opportunity to address not only issues pertaining to Succession to the Throne but other aspects of discrimination enshrined in our culture, norms and practices.

The delegation is pleased to inform the Committee that the Government of the Kingdom of Lesotho enacted the Land Act in June 2010. The Act repeals the Land Act of 1979 which discriminated against women in land ownership. The new Act provides for equal title to land for both men and women. It also introduces lease hold in the rural areas, thus facilitating women's access to credit using land as collateral. We are therefore, currently undertaking intensive campaigns through media and public gatherings in an attempt to educate people about these new developments. These campaigns also focus on educating women in particular about their rights as well as other opportunities provided by other legislative changes such as the Legal Capacity of Married Persons Act of 2006, which removes the minority status of married women.

Chairperson, With respect to Gender-Based Violence which we note is on the increase and which remains one of the main challenges facing women in Lesotho, capacity building training sessions have been held for the Child and Gender Protection Unit officers, the Judiciary- Judges, Magistrates, Prosecutors, Chiefs, Traditional and Religious Leaders on gender issues, human rights and how to manage GBV cases. These measures have resulted in increased awareness and reporting of Gender Based Violence cases.

Regarding the Domestic Violence legislation, since the preparation of the Issues Paper by the Law Reform Commission on the same, the Government further adopted an evidence-based approach to inform the drafting process. On the basis of the drafting framework, the following have been accomplished:

- Desk review, data collection, in-depth research and comparative analysis to identify more issues on domestic violence which were not been reflected in the issues have been done. The statistical data is currently being analyzed and will inform a comprehensive definition of types of domestic violence
- Stakeholders consultations are currently being held at all levels to ensure the realities of women and girls are accurately portrayed in the drafted text and to ensure the buy-in of all in dealing with violence against women

Another significant development on this issue is the Penal Code Bill which codifies criminal law offenses and has enhanced our definition of assault to include violence between spouses in the family. The Bill also took advantage of the Sexual Offences Act to consider rape that exists in certain specified circumstances among married persons.

Chairperson, The Government recognizes the importance of women's development and advancement. The delegation wishes to inform the Committee that the Kingdom of Lesotho enacted the National Assembly Elections Act of 2011 which provides for a zebra listing of proportional representation party list. The delegation further wishes to inform the Committee that building on the gains of 2005 Local Government Elections that resulted in 58% women representation in Local Government elections; we have recently enacted the Local Government Elections (Amendment) Act 2011 by providing for special additional one third seats for women in Local Government Elections. Regardless of the number of women in a community council, 30% of seats of each community council will be added. Campaigns have been running throughout the country in partnership with civil society organizations to educate the public about the new amendment and how women will be represented. Special campaigns targeting women were undertaken throughout the country in order to encourage and empower women to who recently stood for Local Government Elections. This Act has been translated into the official local language - Sesotho.

Chairperson, In an effort to implement her international human rights obligations, it is worth mentioning that Lesotho domesticated the United Nations Protocol to Prevent, Suppress and Punishing Trafficking in Persons, especially Women and Children, by enactment of the Anti – Trafficking in Persons Act 2011. The Government is currently developing regulations and the National Action Plan to implement the Act. Other interventions include partnerships with Civil Society Organizations and community networks to address human trafficking through community intensive awareness raising campaigns. One of such significant result of the partnership and network is the establishment of shelters for victims of trafficking. The shelter offers counseling services, training to equip them with skills for sustainable livelihood. Currently, it is handling 13 cases.

Furthermore, since April 2011, thirty-six (36) additional cases of trafficking have been reported, 1 involved the Kingdom of Lesotho and the Kingdom of Swaziland, 1 involved a Chinese trafficked to the Kingdom of Lesotho and the rest were trafficked from the Kingdom of Lesotho to the Republic of South Africa. Regular consultation meetings are being held between the Kingdom of Lesotho and the Republic of South Africa to discuss cross- border crimes including human trafficking. Similarly, we are also actively involved in the development of the 10 year SADC Strategic Plan of Action on Combating Human Trafficking.

The delegation is also pleased to mention that following the cabinet reshuffling in 2010, one more woman was

appointed Minister for the Ministry of Labour and Employment. This increases the representation of women in Cabinet to 39% while Assistant Ministers percentage for women is as high as 67%. New appointments in the positions of Principal Secretaries led to women being represented at 46.2%. These achievements, together with other gains made in improving women's access to economic and educational opportunities resulted in Lesotho topping the Gender Gap Index being ranked 1st in sub-Saharan Africa and 8th in the World for closing the Gender Gap by 76.8% in 2010.

Chairperson, Women's health and rights are important ends in themselves and also the building blocks of stable societies and growing economies. The benefits extend beyond the woman herself to her family, community and nation. It is said that when you empower a woman, you empower a nation. As indicated in the report, HIV and AIDS remains one of the main developmental challenges facing Lesotho particularly with regards to women's increasing vulnerability to the epidemic. A number of developments in this regard have taken place, amongst them the delegation can mention the development of the new HIV/AIDS Strategic Plan 2011 – 2016 the design of which is based on the principles of gender equality and advancement of women's rights in the national HIV/AIDS response.

The delegation is also pleased to inform the Committee that a Revised National Action Plan on Women, Girls, and HIV/AIDS 2011-2016 has been finalized. The Plan builds

on the lessons learnt from the review of the 2007-2010 Plan, and on the need to respond to the feminization of the pandemic. It provides a renewed framework for reducing the vulnerability and mitigating the impact of HIV and AIDS among women and girls. It focuses on a number of areas including property inheritance, sexual and gender based violence, economic empowerment, and access to sexual and reproductive health services.

Ascribing to the commitments of the Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA), Lesotho held a Special Parliamentary Session that was devoted to launch the campaign, calling for action to reduce maternal mortality and new born morbidity and mortality. Since its official launch on 12 May 2010, the campaign objectives are being rolled out in the districts and resulted in increased awareness amongst the communities leading to more women delivering at the health facilities. Furthermore, through partnership with the Millennium Challenge Account, the Government is currently constructing clinics and providing necessary equipment in health facilities in an attempt to address maternal mortality.

In an attempt to maintain proper work-life balance, the Government has put in place specific measures for the benefit of women. For instance, early 2011, Lesotho reviewed the Basic Conditions of Employment for Public Officials to extend paid maternity leave from 60 to 90 days. At the end of the maternity leave, women are given two hours of nursing for the period of six months and this is an

improvement from the one hour they were entitled to before.

Following the Launch of the African Women's Decade 2010-2020 on the theme: *Grassroots Approach to Gender Equality and Women's Empowerment*, there has been mass community mobilization, awareness raising campaigns directly targeting rural women on their economic and social wellbeing. These campaigns have resulted in women organizing themselves better in different rural community based organizations such as rural women in agriculture, rural women support groups, rural women health care workers, rural women paralegals among others. These groups have, and are being capacitated by different line Ministries and civil society organizations to act as agents of change within their communities and to offer assistance to other rural women.

Amongst the notable effort to implement the concluding observations of the Committee on the Rights of the Child (CRC), The Government of Lesotho has enacted the Children's Protection and Welfare Act in 2011 which repeals both the civil and customary law in terms of age of entering into marriage and mandates that a marriage of any child below the age of 18 years shall not be deemed to be a valid marriage.

Chairperson, despite prevailing financial constraints and several developmental challenges that Lesotho faces, the Government remains determined to promote gender equality and women's empowerment. She is nevertheless

mindful of the fact that a lot still needs to be done. Additional challenges remain on the implementation and monitoring of the mechanisms in this regard. The Government of the Kingdom of Lesotho looks forward to receiving assistance and guidance from the Committee to better respond and enhance compliance to the Convention.

The progress made so far in implementing the provisions of the Convention would not have been possible without the political commitment, support from stakeholders, including civil society organizations and our development partners. The delegation wishes to extend the Government of the Kingdom of Lesotho's special appreciation to United Nations Population Fund (UNFPA), United Nations Development Programme (UNDP) and the Irish Aid for their valuable support.

I wish to conclude this presentation by once again indicating that the Government of Lesotho is indeed pleased for having compiled this Combined Initial, Second, Third and Fourth Periodic Report and looks forward to a constructive dialogue.

THANK YOU FOR YOUR KIND ATTENTION