

REPORT OF THE PARLIAMENT OF THE KINGDOM OF LESOTHO

**TO THE 56TH PLENARY ASSEMBLY OF THE SADC
PARLIAMENTARY FORUM**



PRESENTED BY

RT. HON. TLOHANG SEKHAMANE

SPEAKER OF THE NATIONAL ASSEMBLY

1. INTRODUCTION

The Parliament of Lesotho continues to be a dedicated and committed member of the SADC Parliamentary Forum, and fully subscribes to the ideals and objectives of this institution. In this connection, the Parliament of Lesotho continues to participate actively in the activities of the Forum and to contribute towards the realization of its objectives. However, it has not always been possible to participate in all Forum activities because of budgetary constraints. It is our fervent hope that the on-going parliamentary reforms will address existing capacity gaps and challenges.

This Report presents the position of the Parliament of Lesotho on live matters and resolutions of the Forum in line with the guidance letter of the Secretary General of 26th September, 2024.

2. TRANSFORMATION OF THE FORUM TO A SADC REGIONAL PARLIAMENT

The Government of Lesotho is yet to submit its comments to the SADC Secretariat on the Protocol on the SADC Parliament and the Speaker of the National Assembly will continue to engage the Rt. Hon. the Prime Minister on this matter.

3. ADDRESSING THE IMPACT OF INFLATION ON THE BUDGET OF THE FORUM: INCREASE IN MANDATORY MEMBER CONTRIBUTIONS

The Plenary Assembly has, on numerous occasions, disapproved the recommendation to increase mandatory member contributions due to financial limitations prevailing in member parliaments. Consequently, the Forum is now at a crossroad where a choice has to be made whether to accept the proposal to increase the subscriptions for sustenance of the organization or let it drown.

The Parliament of Lesotho supports the sustenance of the Forum and therefore supports the increase of mandatory subscriptions. However, an increase of 20% on our ailing economies may have an adverse impact on payment of these contributions by some Parliaments. Therefore, the

Parliament of Lesotho proposes 5% annual increments until the Forum's financial position stabilizes.

4. SECONDMENT OF SENIOR PARLIAMENTARY STAFF TO THE PROGRAMMES AND PARLIAMENTARY BUSINESS AND LANGUAGES DEPARTMENT

Section 65 of the Constitution of Lesotho prescribes that offices of the Clerks to both Houses of Parliament and their staff are offices in the public service. Accordingly, the staff that services Parliament is employed by the Public Service Commission and seconded to Parliament by the Public Service. The staff compliment is negotiated with the Public Service and the current one is so thin that even some important parliamentary duties get compromised.

Sub-regulation 16 of the Public Service Regulations, 2008, provides for the terms under which secondment may occur. This provision, read together with the provisions of the Public Service Act, do not allow our Parliament to second staff to the Forum **with full pay**. An officer on secondment is removed from the Government payroll for three years with the expectation that the officer's remuneration will be paid by the institution to which he or she has been seconded.

Efforts are underway to change this situation, with the Tenth Amendment to the Constitution, which is before the Senate (Upper House of Parliament), proposing the establishment of the Parliament Service and Parliament Service Commission. The coming into effect of this Constitutional Amendment will enable Parliament to recruit its own staff with its own terms and conditions of service. Only then will the Parliament of Lesotho be in a position to work with the SADC PF on secondment mechanisms for the benefit of the two institutions.

5. ELECTION OBSERVATION

The SADC PF aims to promote human rights, gender equality, good governance, democracy and transparency. Therefore, in pursuance of this objective, election observation should be one of the core mandates of the Forum. Election observation facilitates credible electoral processes and

election outcomes. It is through election observation that countries get a fair assessment of their weaknesses and strengths throughout the election cycle; and subsequently be commended for good practices and advised on areas for improvement in the conduct of elections.

Because of budgetary constraints, the Parliament of Lesotho last participated in the Forum Election Observation missions in 2012 (with the Eswatini (then Swaziland) elections of 2012). Funds permitting, our Parliament will continue to send the required minimum of two MPs to Forum missions. It is our considered view that factoring elections budget in the annual member contributions may lead to non-payment particularly for the years that the region will have more than one election. As such, the Parliament of Lesotho commits to factor in its annual budget participation of two MPs in at least one observation mission per year.

6. DESIGNATION OF FOCAL PERSON TO MONITOR THE DOMESTICATION OF MODEL LAWS

As mentioned, the Parliament of Lesotho has a serious shortage of staff, and has to date not been able to designate a focal person to monitor the domestication of Model Laws. Efforts are under way to address this challenge. With the on-going process of enhancing the Legal and Research departments, we will soon be in a position to make the designation. The office of the Clerk will communicate the name of the officer who will temporarily be assigned to perform this function while these processes unfold.

7. IMPLEMENTATION OF THE 2023-2026 SRHR AND GOVERNANCE PROJECT

- 7.1** The Parliament of Lesotho, in collaboration with the SADC PF, signed the Agreement to implement SRHR and Governance Project on Wednesday, 14th February 2024.
- 7.2** The SRHR Researcher who had been appointed in the Tenth Parliament was re-appointed in October, 2023.

7.3 To date, the Parliament of Lesotho has expended \$15,928.76 on the following activities:

- **Constitution of the National Working Group:** which comprises four Members of Parliament, eight parliamentary staff and 14 members representing the Civil Society Organisations (CSOs), Line Ministries and Development Partners that constitute all the six thematic areas of the Project;
- **Roundtable Discussion on SRHR-related Bills:** which was attended by 30 MPs, eight staff members and 15 members from the CSOs and Line Ministries;
- **Roundtable Discussion on Budget Analysis:** attended by 30 MPs and 15 members of staff;
- **Public Hearings:** The project supported the Ministry's public hearings on Protection and Administration of Custom at Initiation School Bill; which was a community outreach Bill targeting owners of initiation schools. Around 100 owners in three districts were reached; and it is anticipated that the Bill will soon be presented before Parliament.

8. DOMESTICATION OF SADC PF MODEL LAWS AND RELATED POLICIES/INSTRUMENTS

8.1 SADC MODEL LAW ON ERADICATING CHILD MARRIAGE AND PROTECTING CHILDREN ALREADY IN MARRIAGE

8.1.1 Children's Protection and Welfare (Amendment) Bill, 2023

The National Assembly is on the verge of passing the Children's Protection and Welfare (Amendment) Bill. The Bill guarantees some basic rights to children such as the right to education and access to health services and proper upbringing under capable parents or guardians. It prohibits educational institutions from advancing pregnancy as a reason for expelling or denying a child access to education. It also prohibits child

betrothal and child marriage and clearly states that “religion, culture, custom, ethnicity or nationality shall not be a defence for child marriage”; and denies a child the right to consent to a contract of marriage. In addition, the Bill has provisions for voiding child marriage and protecting children against all forms of violence and harmful practices.

8.2 SADC MODEL LAW ON GENDER BASED VIOLENCE

8.2.1 Counter Domestic Violence Act

In 2022, the Parliament of Lesotho enacted the Counter Domestic Violence Act, which provides for the prevention of domestic violence and protection of rights of victims. It prohibits, amongst others, domestic and sexual violence, harmful practices, trafficking and child sexual exploitation. It further abolishes abusive practices that degrade children and women, including forced child marriage and has sanctions for offences. Furthermore, the Act provides for the establishment of shelters, provision of counselling services and protective environment for victims.

8.3 SADC MODEL LAW ON ELECTIONS

To further emphasise that the Parliament of Lesotho subscribes to the ideals and objectives of the Forum, the Tenth Parliament of the Kingdom of Lesotho passed National Assembly Electoral (Amendment) Act, 2022. It is an Act to provide for the amendment to the National Assembly Electoral Act, 2011, to expedite the registration of electors, archiving of the current electors’ register, and ensuring that all eligible electors are allowed to register and vote by using the National Identity document as proof of identity and to provide for incidental matters. The Act also seeks to achieve the stability of the Government of Lesotho by dealing with controversial issues such as Floor Crossing, Threshold for a political party to be allocated a Parliamentary seat and Diaspora voting.

Unfortunately, this law is one of the laws nullified by the courts of law after it was contested that they were passed illegally after Parliament had been dissolved and then recalled upon declaration of State of Emergency to address certain issues of importance to the country, including the passing of

certain laws. It is envisaged that this law will be revived after the passing of the constitutional amendments contained in the reforms bills.

8.5 SADC MODEL LAW ON PUBLIC FINANCIAL MANAGEMENT:

In my report to the 54th Plenary Assembly, I indicated that the Ministry of Finance and Development Planning was reviewing the Public Financial Management and Accountability Act of 2011; and that they were given the SADC Model Law on Public Financial Management to use as a reference document. The Bill was presented to the Informal Meeting of Cabinet on 11th June, 2024 for consideration before presentation to Parliament.

9. CONCLUSION

I wish to conclude my report by saying this: To the extent that country reports serve as a mirror where we reflect on the work and progress of each country on the commitments that we have made as representatives of the people of our different countries in the subcontinent, they are absolutely critical to the work and success of our organisation. This is a platform where we assess our performances against each other and renew our mandates as legislators. It deserves our highest collective support and dedication.