



EUROPEAN UNION

DELEGATION TO THE KINGDOM OF LESOTHO

**Remarks by Head of Delegation  
of the European Union to Lesotho,  
H.E. Ambassador Hans DUYNHOUSER  
on the occasion of TRC Seminar on  
ESTABLISHMENT OF A HUMAN RIGHTS  
COMMISSION IN LESOTHO**

**Maseru, 19 APRIL 2012**

Greetings to you all - Lumelang bo'm'e le bontate -

Mr/Madam, MC, allow me to start by paying my respects to:

His Majesty King Letsie III;

The Right Honourable the Prime Minister;

Honourable President of the Senate;

Honourable Speaker of the National Assembly;

His Lordship the President of the Court of Appeal;

His Lordship the Chief Justice;

Honourable Deputy Minister;

Honourable Ministers;

Their Lordships Judges of the High Court;

Your Excellencies Heads of Diplomatic Mission and International  
organisations;

Permanent Secretaries here present;

All officials and dignitaries here present,  
Distinguished Guests, Ladies and Gentlemen,

I am delighted to be here at the occasion of this important seminar; a seminar that brings together civil society, representatives from the judiciary, government representatives and regional and international partners.

I commend the organisers for bringing together such a distinguished group.

You would have noticed in the announcement that this seminar was made possible with the support of the European Union. In fact, the European Union made available LSL 1.5 million to the Transformation Resource Centre. Our decision to grant this financial support followed a call for proposals. The TRC participated in this call with a proposal to support the establishment of a Human Rights Commission in Lesotho. With this decision the EU now supports the early establishment of a Human Rights Commission here in Lesotho.

The European Union is committed to human rights.

First and foremost for the 27 Member States constituting the European Union. Their membership is conditioned by the so-called Copenhagen criteria agreed in 1993. These require that countries respect and uphold human rights. With the entry into force of the Lisbon Treaty in 2009, the Charter of Fundamental Rights of the European Union has now the same legal value as the European Union treaties.

The protection and promotion of human rights is a silver thread running through all EU actions not only at home but also abroad. In the Cotonou agreement, the EU partnership with ACP countries including Lesotho, the respect and promotion of human rights is an essential and fundamental element.

In a recent green paper, the European Commission sets out the challenges of putting human rights and democracy at the heart of the EU's external action. It emphasises the importance of a bottom-up approach through the involvement of civil society. But, as the paper argues, we should also be more coherent in our international co-operation efforts. For that reason the Commission's review of its development policy, known as 'the Agenda for Change', recommends a stronger emphasis on human rights, democracy and the rule of law. This affects also direct budget support programmes, where specific conditions should be considered in support of sustainable democracy and human rights. This is highly relevant to Lesotho.

The EU's financial instrument in support of democracy and human rights, 'the European Instrument for Democracy and Human Rights', supports the worldwide cause of human rights and democracy to the tune of EUR 200 million per year. This instrument has a very broad scope. It supports thematic actions (against torture, the abolition of the death penalty), the development of advocacy by civil society, but also specific assistance to human rights defenders. It also funds electoral observations. The grant to the TRC is financed under this instrument.

Lesotho is committed to human rights.

The country's participation in the African Peer Review Mechanism and also the UN's Periodic Review, both in 2010, bear witness to this.

The recently passed Sixth Amendment (2011) to the Constitution facilitates the establishment of a National Human Rights Commission.

Moreover, Lesotho has developed over the years an elaborate infrastructure of governance institutions. I mention the Ombudsman, the Directorate on Corruption and Economic Offences, the Auditor General and the Police Complaints Authority. Establishing a National Human Rights Commission has been on the agenda for some time with support from Irish Aid..

This raises the question: what could be the added value or benefit of a National Human Rights Commission here in Lesotho?

I see four benefits.

Firstly, a National Human Rights Commission assists the Government in complying with its national and international human rights obligations. It can contribute to the further development of a human rights culture.

Secondly, an independent National Human Rights Commission acts as a bridge between rights holders (the country's citizens) and the duty bearers (the representatives of State). A National Human Rights Commission is the link between the responsibilities and obligations of the State and the rights and obligations of the country's citizens. A National Human Rights Commission also connects national actors to regional and international human rights systems.

Thirdly, as an independent institution, a National Human Rights Commission provides a degree of protection to the victims of human rights violations. A National Human Rights Commission contributes to addressing the possible gap between human rights standards and their implementation. A National Human Rights Commission fights impunity and ensures that the rule of law prevails.

Fourthly, in the context of Lesotho, a truly independent National Human Rights Commission will usefully complement the existing governance institutions.

So for example, the Police Complaints Authority monitors the conduct of police in its relations with the public; however, it reports directly to the executive as opposed to the legislature. This is also the case for the Ombudsman and the DCEO.

Turning to the Office of the Ombudsman, its primary objective is the protection of citizens from rights abuses by public institutions or their representatives. The Ombudsman must ensure fairness and legality in public administration; the Office of the Ombudsman does not deal with violations of human rights. Some have observed that there are links, if not overlapping, between the work of the Office of the Ombudsman and a National Human Rights Commission. For that reason a possible merger of these two institutions might be considered; this would follow a model in use in other countries, for example Ghana.

These are four good reasons to support the establishment of an independent National Human Rights Commission in Lesotho.

Let me conclude by underlining the importance of a strong political commitment to an effective and efficient National Human Rights Commission. The viability of a National Human Rights Commission rests significantly on the political will of the authorities, all political parties, civil society and the public at large to make this work. This will provide the National Human Rights Commission with authority, legitimacy and the necessary leverage. It will go a long way in enhancing the country's constitutional profile and this to the benefit of all Basotho men, women and children.

The European Union is committed to support this important initiative. Good governance is a priority for both the Government of Lesotho and the European Union. Let's work together on this in a spirit of partnership.

I thank you for your kind attention.

KHOTSO, PULA, NALA