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Counter Domestic Violence Act, 2022

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ACT NO. 14 OF 2022

Counter Domestic Violence Act, 2022

An Act to provide for protection of rights of victims and prevention of domestic violence and related matters.

Enacted by the Parliament of Lesotho.

PART I - PRELIMINARY

Citation and commencement

1. This Act may be cited as the Counter Domestic Violence Act, 2022 and shall come into operation on the date of publication in the Gazette.

Interpretation

2. In this Act, unless the context otherwise requires -

“abusive practices” includes sexual intercourse between a parent and child, sexual intercourse between a father-in-law and daughter-in-law, marriage whether forced or arranged, sororate and levirate marriages, forced initiation and exploitative child labour;

“child” means a person below the age of 18 years;

“cohabitation” means a state of living together and having a sexual relationship without being married;

“court” means a local court, central, magistrate, children or any court that may be accessible to the victim of domestic violence at the time of need;

“dating relationship” means a courtship or engagement relationship;

“domestic relationship” means a relationship between a victim and a perpetrator in any of the following ways, where they -

(a) are or were married to each other according to any law,

custom or religion;

- (b) live or lived together in an intimate relationship, although they are or were not married to each other;
- (c) are parents of a child or are persons who have or had parental duties for the child, whether or not at the same time;
- (d) are family members related by blood, affinity, adoption or fostering;
- (e) share or recently shared the same residence; or
are in a dating relationship.

“economic abuse” means -

- (a) a deprivation of economic or financial resources to which a victim is entitled or which the victim requires out of necessity;
- (b) an unreasonable disposal of household resources or other property in which the victim has an interest;
- (c) denying the victim the right to education, seek employment or engage in any income-generating activity;
- (d) controlling the income or financial resources of the victim; or
- (e) habitual consumption of alcohol, use of recreational drugs and gambling to the extent that the family suffers or is adversely affected financially or economically;

“emotional, verbal and psychological abuse” means degrading or humiliating conduct towards a victim including -

- (a) confinement;

- (b)
 - (i) threats to cause emotional, psychological or physical abuse;
 - (ii) insults, ridicule or name calling;
 - (iii) exhibition of obsessive possessiveness or jealousy which constitutes a serious invasion of the privacy, liberty, integrity or security of the victim; or
- (c) an act, omission or behaviour which constitutes domestic violence, which if committed in the presence of any person by a member of the family, is likely to cause them mental or emotional harm; and
- (d) denied access to a shared home or residence;

“Family Court” means a special court established under section 16;

“family or household member” means a person defined under a domestic relationship;

“intimate partner” means a person who is currently or formerly involved in a romantic relationship whether or not such a relationship was ever sexually consummated or not;

“malicious damage to property” means the willful damage or destruction of property belonging to a victim, household or which the victim has a vested interest;

“Minister” means the Minister responsible for gender;

“personal belonging” means any item that belongs to a person except property which forms part of a joint estate;

“physical abuse” means physical assault or any use of physical force against another person, abduction, forcibly confining or detaining an other person, battering and any other form of physical harm;

“protection order” means an order issued under section 4;

“representative of a victim” means a person who lays a complaint on behalf of the victim;

“restorative justice” means a system which includes either civil, social or criminal justice which focuses on the needs of a victim and survivor of domestic violence, reconciliation between parties involved and rehabilitation of perpetrators;

“sexual abuse in marriage, relationship or otherwise” means to -

- (a) apply force with the intention to engage in a sexual act whether explicit or implicit, direct or indirect, physical or psychological against the victim;
- (b) coerce a victim to reproduce;
- (c) engage in a sexual act with a victim who is affected by physical disability, mental incapacity, sensory disability, intellectual disability or any other disability whether permanent or temporary, intoxicating liquor, drugs or any substance, sleep, to the extent that the victim is incapable of understanding the nature of sexual act or deprived of the opportunity to consent to the sexual act; or
- (d) perform a sexual act with a victim without disclosing a sexually transmitted disease, infection or status;
- (e) engage in a conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of a victim; and
- (f) make a fraudulent representation to a victim about the nature of an act of sexual intercourse and the victim acts on this misrepresentation;

sexual act” means -

- (a) a direct contact with anus, breasts, penis, buttocks, thighs and vagina of one person and any other part of the body of another person with intention to perform a sexual act;

- (b) exposure or display of genital organs of one person to another person;
- (c) insertion of any part of the body of a person or any part of the body of an animal or any object into a vagina or penis or anus of another person; or
- (d) cunnings, fellatio or any other form of genital stimulation;

“stalking” means engaging in a pattern of conduct that induces in a victim fear of imminent harm or feelings of annoyance and aggravation manifested through the following:

- (a) repeatedly watching or loitering outside of or near any place the victim resides, works, carries on business, studies or happens to be;
- (b) repeatedly making, sending or delivering or causing another person to repeatedly make, send or deliver abusive and offensive calls or electronically transmitted messages, letters, telegrams, packages, facsimiles, electronic mails or objects to the victim;
- (c) repeatedly uttering or conveying a threat or causing a victim to receive a threat which induces fear of imminent harm in the victim; or
- (d) repeatedly following, pursuing or accosting the victim; and
- (e) an act of perusing through a victim’s accessory with the intention to use evidence to threaten him in a domestic environment;

“technological abuse” means an abusive act where a person by means of technology device, supplies, sends, shares, exposes or displays violence, nude or semi-nude material, photos or videos and sexually suggestive messages to another person; and

“victim” means a person against whom a domestic violence act has been committed or who is a representative of a victim or the person who has a vested interest in the matter;

PART II - CRIME OF DOMESTIC VIOLENCE

Meaning and scope of domestic violence

3. For the purposes of this Act, domestic violence means any act, omission or behaviour, which results in a direct or indirect infliction of physical, sexual or mental injury to a victim by the perpetrator and includes the following:

- (a) physical, sexual, emotional, verbal, economic or psychological abuse;
- (b) stalking;
- (c) malicious damage to a victim’s property;
- (d) forcible entry into the victim’s residence where the parties do not share the same residence;
- (e) unreasonable disposal of the household property in which the victim has an interest;
- (f) refusal of personal belongings where an intimate partner or spouse has or has not left a shared residence;
- (g) deprivation of adequate food, water, clothing, medical care, shelter and other necessities;
- (h) a perpetrator who engages or encourages another person to commit an act of domestic violence shall be taken to have committed that act in person;
- (i) abuse based on the following abusive practices which discriminate or degrade a victim -
 - (i) forced and child marriages;

- (ii) forced sororate and levirate marriages;
- (iii) sexual intercourse between father-in-law and daughter-in-law;
- (iv) sexual intercourse between parent and child;
- (v) exploitative child labour;
- (vi) forced initiation; or
- (vii) intimidation;
- (j) abuse perpetrated by virtue of age of a victim, disability, sexual orientation, gender identity, gender expression, race or ethnicity, level of education or other status of a victim;
- (k) technological abuse; and
- (l) any form of violence perpetrated on the person or property of which the victim has interest.

PART III - PROTECTION ORDERS

Protection Order

4. (1) A person who is in a domestic relationship may apply to court for a protection order against another person who commits an act of domestic violence.

(2) Any person who has an interest in the welfare and well-being of a victim may apply to court on behalf of the victim and such application shall be -

- (a) taken to have been made by a victim; and
- (b) with the written consent of a victim, except where the victim is -

- (i) a child;
- (ii) mentally incapacitated;
- (iii) unconscious;
- (iv) regularly under the influence of intoxicating liquor or drugs; or
- (v) at the risk of serious harm.

(3) A child may make the application for a protection order through -

- (a) a chief
- (b) a parent or guardian;
- (c) a probation officer;
- (d) a social worker;
- (e) a teacher;
- (f) a health service worker;
- (g) a police officer;
- (h) any other person with leave of court;
- (i) a person acting on behalf of a -
 - (i) church or any other religious institution; or
 - (ii) non-governmental organisation concerned with the welfare of victims of domestic violence.

(4) A child may apply for a protection order without the assistance of an adult where the court is satisfied that the child has sufficient understanding to make the application.

Application without notice for a protection order

5. (1) An interim protection order may be made on an application without notice and outside court hours or on a day which is not an ordinary court day, if the court is satisfied that delay would be caused by proceedings on notice or may entail -

- (a) a risk of harm; or
- (b) undue hardship to the applicant, child or the family of the applicant.

(2) Without limiting the matter to which the court may have regard when determining whether to grant a protection order on application without notice, the court shall have regard to the -

- (a) nature and seriousness of a perpetrator's behavior; and
effects of the behavior on the applicant, child or the family of the applicant.

(3) An interim order may, contain any direction, prohibition or award which may be contained in a protection order.

Criteria for courts in granting of a protection order

6. (1) A court shall grant an interim protection order where there is a report of domestic violence, and the interim protection order shall be made final on submission of satisfactory evidence that the perpetrator is committing or has committed domestic violence towards the victim.

(2) The court shall not grant a protection order solely in respect of a behaviour which took place before the commencement of this Act.

(3) The court shall, where the application is based on behaviour which appears minor or trivial, consider whether the behaviour forms part of a pattern of behaviour which establishes the need for protection.

(4) The court shall, in determining what to include in the protection order, have regard to the -

- (a) history of domestic violence on the part of a perpetrator towards the victim or other persons;
- (b) nature of the domestic violence;
- (c) existence of immediate danger to persons or property;
- (d) victim's perception of the seriousness of the behaviour of the perpetrator; and
- (e) need to preserve the health, safety and wellbeing of the victim, a child or any person who is in the care of the victim.

Contents and effect of the protection order

7. The protection order shall -

- (a) prohibit a perpetrator from -
 - (i) committing or engaging another person to commit any act of domestic violence;
 - (ii) entering or approaching any place or premises where the victim works, attends or frequents or any part of those premises or place; or
 - (iii) entering a residence shared by a victim and perpetrator;
- (b) direct a perpetrator to -
 - (i) stay away from any premises or place where the victim resides, or any part of such premises or place;
 - (ii) pay emergency monetary relief in respect of the victim's needs and those of any child or dependant of the perpetrator;

- (iii) afford the victim or any child or dependant of the victim access to their place of residence and use of the associated facilities;
 - (iv) pay adequate compensation for any personal or physical injury, pain, trauma, or loss suffered by the victim; and
 - (v) to do or omit to do any act which the court considers necessary or desirable for the well being of the victim or any child or dependant of the victim.
- (c) direct a police officer to accompany a victim or the victim's representative to the joint residence to supervise the removal of the personal belongings of the victim or a child or any person in the care of the victim; or
 - (d) direct a victim or perpetrator or both to undergo counselling by a counsellor, and the perpetrator shall pay all the necessary expenses.

Variation or revocation of the protection order

8. (1) A victim or representative of the victim may apply to court for the variation or revocation of a protection order in a manner set out in section 8(3).

(2) A person against whom a protection order is granted may apply to court for variation or revocation of a protection order.

(3) The court may revoke the protection order where it is satisfied that a good cause has been shown for the variation or revocation of a protection order, if one of the parties or representatives shows that -

- (a) a minimum period of six months has passed since the most recent act of domestic violence occurred;
- (b) the perpetrator has stopped using any form of abuse against the victim;

-
- (c) both parties are participating in a counselling programme and that there is a report from a counsellor satisfying to the court that the perpetrator is fully reintegrated.

(4) The clerk of court shall forward a notice as may be prescribed to the victim and the perpetrator if the application for variation or revocation has been granted.

Enforcement of a protection order

9. (1) Where, within five years after the date of issue of a protection order, the perpetrator breaches a term or condition of the protection order, the victim or the victim's representative may request a police officer to enforce the warrant of arrest attached to the protection order.

(2) A request under subsection (1) shall be accompanied by one or more affidavits given by the person who can depose to the facts alleged in connection with the breach of the protection order.

(3) A protection order shall remain in force for a period of five years or until revoked or varied by the court.

(4) Where the police officer to whom a request in terms of subsection (1) is made is satisfied that -

- (a) the relevant perpetrator concerned has been served with or has had notice of the protection order; and
- (b) there is a reasonable ground that-
 - (i) a perpetrator has committed, is committing or is threatening to commit a breach of the protection order concerned; and
 - (ii) it is necessary or desirable to do so to protect a victim from serious or substantial harm, discomfort or inconvenience, whether physical, emotional or economic,

he shall arrest the perpetrator in terms of the warrant issued for that purpose.

PART IV - INSTITUTIONS

Duties of a police officer in respect of domestic violence

10. (1) The Commissioner of Police shall ensure that there is a unit within every police station which shall -

- (a) operate for twenty-four hours, seven days a week; and
- (b) be staffed with police officers with relevant expertise and training in domestic violence and other related matters.

(2) The police officer may refer the matter to the restorative justice process upon obtaining comments from the parties, if the issue at hand is subject to restorative justice, and it is established that parties have understood the restorative justice process.

(3) The police officer shall proceed with the investigation, where any one of the parties is aware of the restorative justice process, but does not consent to becoming party to the process.

(4) Where a victim so desires, the police officer to whom the complaint is made may be a person of the same sex as the victim and gender sensitive and gender affirming.

(5) The provisions of this section shall not limit the power of a police officer to enter any premises for the purpose of establishing the commission of an offence under this Act.

(6) A police officer to whom a complaint of domestic violence is reported to and who is tasked with investigation of any such complaint shall -

- (a) advise a victim of the right to apply for a relief under this Act and the right to lodge a criminal complaint;
- (b) obtain shelter or counselling for a victim or advise the victim on how to obtain shelter, counselling or medical treatment, or assist the victim in any necessary and suitable way.

(7) A person who suspects that an offence of domestic violence is being or has been committed shall give such information to a police officer or any other person in authority.

(8) A victim who is not satisfied with the services of a police officer with whom the complaint is lodged shall have the right to appeal to a senior officer responsible for the station.

Records of domestic violence

11. (1) Where a police officer intervenes, in any manner, in a case of domestic violence or receives a report of an incident of domestic violence, the police officer shall, regardless of whether a criminal charge is laid or pursued, fill in a prescribed form, which shall include prescribed information.

(2) A copy of a form completed in terms of this section shall be retained at the police station in question and the original shall be forwarded to the Commissioner of Police monthly.

(3) The Commissioner of Police shall compile annual statistics from the information collected under this section and forward the statistics to the Minister of Police, who shall table the statistics before Parliament quarterly.

(4) The Minister of Police shall share statistics with the Minister responsible for gender and the Minister responsible for development planning.

Arrest by the police officer without warrant

12. (1) A police officer shall, after taking into account the factors mentioned under subsection (2), arrest without a warrant, any person alleged to have committed or who is threatening to commit an act of domestic violence against a victim.

(2) In determining whether or not to arrest a person mentioned under subsection (1), a police officer shall take into account -

- (a) the risk to the safety, health or well being of a victim;
- (b) the seriousness of the conduct constituting the alleged act of domestic violence; and

- (c) any other factor which makes a police officer to reasonably believe that the person has committed or is threatening to commit an act of domestic violence.

(3) The police officer shall take all reasonable steps to bring the person alleged to have committed or is threatening to commit an act of domestic violence before the court within 48 hours of the arrest.

Duties of a prosecutor

13. (1) A prosecutor shall -

- (a) orientate a victim with the court structure and procedures; and
- (b) inform a victim of -
 - (i) the place, date and time of the first appearance of the perpetrator in court;
 - (ii) the right to present information or evidence to the court which may be relevant in determining whether or not an accused person should be granted bail, what conditions to be imposed on bail or any other matter in the proceedings;
 - (iii) all the information necessary to lessen the impact of trial on a victim; and
 - (iv) general progress of the case and any postponements of the hearing of the case;
- (c) by way of affidavit or oral evidence state -
 - (i) whether the provisions of paragraph (a) were duly complied with, and if they were not complied with, the reasons for not complying with any of such provisions; and
 - (ii) the manner in which the date and time when the

victim was informed.

- (d) where a victim is a child, refer the matter to the children's court; and
- (e) any duty to ensure expeditious delivery of justice on behalf of a victim.

Health officials

14. (1) A health official of a state institution and its subsidiary shall provide free medical treatment to a victim of domestic violence.

(2) A victim of domestic violence may receive free medical treatment pending a complaint to the police station in a case of emergency or a life threatening situation.

(3) The Director General of Health in collaboration with stakeholders shall compile quarterly statistics and submit it to the Minister responsible for health, who shall table such statistics before Parliament quarterly.

(4) A registered practitioner shall terminate pregnancy of a person who is pregnant as a result of an incestuous relationship or rape.

(5) The Minister responsible for health shall share statistics with the Minister responsible for gender and the Minister responsible for development planning.

Procedure before trial

15. (1) The court shall, in cases of domestic violence -

- (a) convene as a family court within the area of its jurisdiction; and
- (b) give priority to such cases over other cases before it.

(2) Where a victim is a child, the matter shall be referred to a children's court.

(3) The court shall hold the proceedings on domestic violence in camera and only allow the following persons to be present during any proceedings under this Act:

- (a) officers of the court;
- (b) the parties to the proceedings or their legal representatives;
- (c) any person bringing the application on behalf of the victim;
- (d) no more than two persons for each party to the proceedings to provide support; and
- (e) witnesses for each party to the proceedings:

(4) Where the court is satisfied that it is in the best interests of justice, the court may exclude any person under this section from attending any proceedings or part of the proceedings.

(5) Where a victim wishes to withdraw a case, the presiding officer shall not close the case without inquiring about the reasons for which the victim wishes to withdraw the case.

(6) Any person shall not publish in any manner, any information which might, directly or indirectly reveal the identity of any party to the proceedings.

Establishment of a Family Court

16. (1) There is established a court to be known as the Family Court which shall deal with problems arising out of family matters and hear cases of domestic violence.

(2) Every court shall sit as the Family Court within its area of jurisdiction.

(3) The Chief Magistrate shall designate a presiding officer in a Family Court.

Powers of the court

17. (1) The court shall have the power to -
- (a) divide property of persons who are in a cohabiting relationship, and consider each party's contribution of assets and liabilities when it determines the share of each party's property;
 - (b) compensate a victim of domestic violence where the person suffers personal injury in respect of the damage or loss.
- (2) The court hearing a claim for such compensation may take into account -
- (a) the pain and suffering for the victim and nature and extent of the physical or mental injury suffered;
 - (b) the cost of medical treatment for such injuries;
 - (c) any loss of earnings arising from the offence of domestic violence; and
 - (d) the amount or value of the property taken or destroyed or damaged.

Counselling

18. (1) The Family Court may taking into account the circumstances of each case, direct the parties to participate in counselling and restorative justice, or any other programme that is acceptable to the Court.

- (2) The counselling provided shall -
- (a) ensure respect for the law;
 - (b) promote a-
 - (i) protective environment for all within the family

of the victim; and

- (ii) harmonious domestic relationship between and among the parties.

Establishment and composition of the Restorative Justice Council

19. (1) There is established a Restorative Justice Council to hear cases of domestic violence at community level.

(2) The Council shall compose of -

- (a) Area Chief of the place where the victim and perpetrator resides, or his representative who shall be the Chairperson;
- (b) one member of community policing forum nominated by the forum;
- (c) one Area Councilor of the place of residence of the victim and the perpetrator; and
- (d) a secretary who shall be responsible for taking record of the proceedings.

(3) The Council shall allow the following persons to be present during any proceeding -

- (a) the victim and the perpetrator;
- (b) not more than two persons for each party to the proceedings to provide support;
- (c) witnesses; and
- (d) a representative of the victim where a victim is a child or unable to represent himself.

Referral to the Restorative Justice Council

20. Referral to the restorative justice process shall be made by -
- (a) a victim, his parent or any other adult;
 - (b) the chief;
 - (c) a probation officer or a prosecutor;
 - (d) a presiding officer;
 - (e) a representative of the victim where the victim is a child or is unable to represent himself; and
 - (f) witnesses.

The Functions of the Restorative Justice Council

21. The Restorative Justice Council shall -
- (a) hear cases of domestic violence at community level;
 - (b) guide restorative justice processes;
 - (c) authenticate records by affixing of signatures of both the victim and the perpetrator on each page of the record of proceedings; and
 - (d) advise victim and perpetrator on decisions the Council has taken.

Meetings of the Restorative Justice Council

22. (1) The Council shall meet whenever there is a matter before it.
- (2) The Area Chief shall preside in all meetings.
- (3) In the absence of the Chairperson, members of the Council shall elect one member to preside.

- (4) The Chairperson shall -
 - (a) convene the Council where the need for restorative justice is established;
 - (b) authenticate records by affixing his signature and stamping the copy;
 - (c) ensure that a victim and perpetrator have a copy of the record of the proceedings;
 - (d) communicate decisions made during restorative process to every person who will be directly involved in the implementation of the decisions.
- (5) The secretary of the Council shall reduce proceedings into writing.
- (6) The quorum at the meeting shall be three members.

Non-compliance with restorative justice resolution

23. Where a perpetrator fails to comply with resolutions taken during the restorative process, the victim shall report the violating act of the perpetrator to the area chief who shall refer the matter to the police.

Appeals

24. Where a victim and perpetrator do not agree on the decisions made by the Restorative Justice Council, the matter may be referred to the police and court of law depending on the circumstances of the case.

Establishment of shelters for victims of domestic violence

25. (1) The Minister shall, in consultation with the Ministers responsible for finance and development planning, and the Minister responsible for social development, establish a shelter for victims of domestic violence.

- (2) A person in charge of a shelter shall ensure that the shelter -

- (a) complies with the standards prescribed by the Minister; and
- (b) provide psychological support to victims of domestic violence which include -
 - (i) temporary basic support, care and accommodation;
 - (ii) safety for victims against all sorts of dangers;
 - (iii) access to adequate gender sensitive and gender affirming health and medical care; and
 - (iv) adequate hygienic and sanitary facility that are inclusive of gender diversity.

Rehabilitation centres and programmes

26. (1) The Minister shall, in consultation with the Minister responsible for finance and development planning, establish rehabilitation centres for perpetrators of domestic violence.

(2) A person in charge of a rehabilitation centre shall provide psychological support to a perpetrator which include -

- (a) temporary basic support, care and accommodation;
- (b) safety for a perpetrator against all sorts of dangers;
- (c) access to adequate gender affirming health and medical care;
- (d) adequate hygiene and sanitary facility which is inclusive of gender diversity.

PART V - GENERAL PROVISIONS

Public awareness campaigns

27. The Minister shall, in collaboration with relevant stakeholders -
- (a) develop policies and conduct public awareness campaigns;
 - (b) encourage integration of issues against domestic violence into school curriculum;
 - (c) inform and educate members of the general public on-
 - (i) their rights and duties under this Act;
 - (ii) institutions or organisations which may be approached for assistance or information; and
 - (iii) legal or other measures available to ensure their safety;
 - (d) include appropriate measures aimed at reaching rural communities;
 - (e) where possible, provide awareness on domestic violence in a language understood by all people; and
 - (f) review policies on public awareness relevance and effectiveness annually.

Offences and penalties

28. (1) A person who commits -
- (a) physical abuse commits an offence and is liable on conviction to community service or a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding three years or both;

- (b) physical abuse with the intention to cause serious bodily harm or any form of lasting physical disability commits an offence and is liable on conviction to a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both;
 - (c) murder as a result of an act of domestic violence is liable on conviction to life sentence;
 - (d) cunnings, fellatio or any form of genital stimulation commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding three years or both;
 - (e) emotional, verbal, psychological abuse and stalking commits an offence and is liable on conviction to a fine not exceeding Three Thousand Maloti or imprisonment for a period not exceeding two years.
- (2) A person who -
- (a) without the consent of the other person comes in direct contact with anus, breasts, penis, buttocks, thighs or vagina of the person or says sexual utterances commits an offence and is liable on conviction to a fine not exceeding Two Thousand and Five Hundred Maloti or imprisonment for a period not exceeding one year or both;
 - (b) inappropriately exposes or displays genital organs commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding three years or both;
 - (c) coerces another to reproduce commits an offence and is liable on conviction a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both;

- (d) commits any conduct that humiliates, degrades or otherwise violates integrity of another person commits an offence and is liable on conviction to a fine not exceeding Three Thousand Maloti or imprisonment for a period not exceeding two years;
- (e) makes fraudulent representation to another person about the nature of intercourse and the affected person acted on this misrepresentation commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding three years;
- (f) technologically abuses another person commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or to imprisonment for a period not exceeding three years or both;
- (g) makes a false or misleading statement in an application under this Act commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding three years or both;
- (h) forces another person who has not trespassed initiation boundaries or violated initiation laws commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding three years;
- (i) forces a child into marriage commits an offence and is liable on conviction to a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both;
- (j) engages in a sororate and levirate marriage commits an offence and is liable on conviction to a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both;

- (k) engages in sexual intercourse with their immediate in-laws commits an offence and is liable on conviction to a fine not exceeding Five Thousand Maloti or imprisonment for a period not exceeding two years or both;
- (l) has sexual intercourse with a child is liable on conviction to imprisonment for a period not exceeding twenty years;
- (m) habitually consumes alcohol or recreational drugs and gambles to the extent that the family suffers commits an offence and is liable on conviction to counseling and rehabilitation, and if he repeats the offence he shall be garnished by the court;
- (n) denies another person the right to education, seek employment or engages in any income generating activity and controls the income or financial resources of the person is liable on conviction to a fine not exceeding three thousand Maloti;
- (o) without consent inserts any part of the body or object for sexual gratification, commits an offence and is liable on conviction to a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both;
- (p) facilitates exploitation of child labour commits an offence and is liable on conviction to a fine not exceeding Twenty Thousand Maloti or imprisonment for a period not exceeding fifteen years or both;
- (q) economically abuses another person and deprives the person of adequate food, water, clothing, medical care and shelter, commits an offence and is liable on conviction a fine not exceeding Two Thousand Five Hundred Maloti or imprisonment for a period not exceeding one year or both;

- (r) suspects that an offence of domestic violence is being or has been committed but does not disclose such information to a police officer or any other person in authority commits an offence and is liable to a fine not exceeding One Thousand Maloti or imprisonment for a period not exceeding six months or both;
- (s) abuses another person by virtue of -
 - (i) disability;
 - (ii) age;
 - (iii) sexual orientation or gender identity or expression or any other status,

commits an offence and is liable on conviction to a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both.

(3) Where a person is infected with Human Immuno-Deficiency Virus (HIV) at the time of commission of an offence and the person has knowledge or reasonable suspicion of the infection, commits an offence and is liable on conviction to life sentence.

- (4) A person who -
 - (a) causes malicious damage to a victim's property;
 - (b) unreasonably disposes of the household property;
 - (c) denies a victim access to personal belongings,

commits an offence and is liable on conviction to a fine not exceeding Twenty Thousand Maloti or imprisonment for a period not exceeding fifteen years or both.

(5) A foreigner who commits any of the above-mentioned offences of domestic violence shall in addition to the sentences provided be deported to his country.

(6) A person who commits an offence under this Act for which no penalty is provided is liable on conviction to a fine not exceeding Ten Thousand Maloti or imprisonment for a period not exceeding seven years or both.

Regulations

29. The Minister may make regulations for the implementation and in furtherance of the provisions and objectives of this Act.

GOVERNMENT NOTICE NO. 47 OF 2022

The Parliament of Lesotho

**Statement of Objects and Reasons of the Counter Domestic Violence Act,
2022**

**(Circulated by the authority of the Minister responsible for gender, youth,
sports and recreation, Honourable Likeleli Tampane)**

The purpose of the Act is to provide for the protection of rights of victims and prevention of domestic violence and related matters.

The Act defines domestic violence as an act, omission or behaviour which inflicts pain and injury on a person physically, sexually, emotionally, verbally, psychologically and economically.

The Act provides that it will apply to people who are in a domestic relationship going further to outline these groups of people. The Bill also recognises the discrimination experienced by certain groups of people by virtue of their age, disability, sexual orientation and gender identity.

The Act further, abolishes some of the existing abusive practices which degrade children and women such as forced child marriages, levirate and sororate marriages, sex between parents and children. The Act affords victims protection in the form of court orders known as protection orders in order to prohibit perpetrators from doing certain acts.

Furthermore, the Act establishes a family court which will deal with problems arising out of family matters and hear cases of domestic violence. Also, the Act provides for the restorative justice councils where proceedings in these instances will be guided by village chiefs. Shelters for victims of domestic violence will also be established as well as rehabilitation centres for perpetrators of domestic violence.