

LESOTHO 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Lesotho is a constitutional monarchy with a democratic parliamentary government. Under the constitution the king is head of state but does not actively participate in political activities. The prime minister is head of government and has executive authority. On October 7, the country held national assembly elections. All major parties accepted the outcome, and Ntsokoane Samuel Matekane of the Revolution for Prosperity party formed a coalition government with the Alliance of Democrats and Movement for Economic Change and became prime minister. On October 28, former Prime Minister Moeketsi Majoro transferred power peacefully to Matekane, and Democratic Congress Party leader Mathibeli Mokhothu assumed leadership of the opposition. Local and international observers assessed the election as peaceful, credible, and transparent.

The security forces consist of the Lesotho Defence Force, Lesotho Mounted Police Service, National Security Service, and Lesotho Correctional Service. The Lesotho Mounted Police Service is responsible for internal security. The Lesotho Defence Force maintains external security and shares some domestic security responsibilities with police and the National Security Service. The National Security Service is an intelligence service that provides information on possible threats to internal and external security. The Lesotho Mounted Police Service reports to the minister of local government, chieftainship, home affairs and police; the Lesotho Defence Force and National Security Service to the prime minister; and the Lesotho Correctional Service to the deputy prime minister and minister of justice, law, and parliamentary affairs. Civilian authorities generally maintained effective control over the security forces. There were credible reports members of the Lesotho Mounted Police Service and Lesotho Defence Force committed some human rights abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh prison conditions; arbitrary arrest or detention; serious government corruption; lack of investigation of and accountability for gender-

based violence, including domestic or intimate partner violence; and the existence of laws criminalizing consensual same-sex sexual conduct between adults, although not enforced.

While impunity was a problem, the government had mechanisms in place to identify, investigate, and prosecute officials convicted of committing human rights abuses, but investigation, prosecution, and trials proceeded slowly due to limited funding, judicial inefficiency, and corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

The constitution prohibits arbitrary deprivation of life. There were several reported abuses by security forces similar to the following examples. On April 9, soldiers beat Bibi Mohajane to death at Ha Maliepetsane Village in Mafeteng District. They suspected Mohajane of illegal gun possession. According to his father, Mohajane denied the allegations. A delegation from the Lesotho Defence Force contributed 10,000 maloti (\$550) to his funeral costs. On June 16, Roma Police Station officers shot and killed Kopano Makutoane during a student protest. The students protested the Ministry of Development Planning National Manpower Development Secretariat's decision to cut their allowances from 1,100 maloti (\$60) to 450 maloti (\$25) due to an adjusted school calendar. Police referred the matter to the Director of Public Prosecution the following month. The director had taken no action by year's end.

On July 7, police referred the case of three suspended police officers involved in the September 2021 death of Tseliso Sekonyela at the Thetsane Police Station to the director of public prosecution. The police officers had yet to be charged by year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment, and other Related Abuses

The constitution states no person shall be subjected to torture, inhuman or degrading punishment or other treatment, and the penal code lists torture as a crime against humanity. Nevertheless, there were credible reports police tortured suspects and subjected them to cruel, inhuman, or degrading treatment or punishment.

There were numerous reported abuses similar to the following examples. On January 11, media reported police arrested and beat Police Constable Liteboho Makhakhe on suspicion of involvement in armed robbery. The same day, Special Operations Unit police arrested his attorney, Napo Mafaesa and took him to Mabote Police Station where they waterboarded him to reveal where his client hid the firearm used in the robbery. Judge Fumane Khabo ordered Mafaesa's release and ordered police not to subject him to any further ill treatment.

On May 12, police ordered the chief and 18 men and 16 women of Liseleng village to roll on the ground as police officers kicked and beat them with clubs. Soldiers intervened as police attempted to force the villagers into a river. Police subsequently refused to issue medical forms to enable villagers to seek medical assistance and threatened to arrest them. On May 20, then Minister of Police Lepota Sekola, Minister of Defence Halebonoe Setsabi, Minister of Justice and Law Lekhetho Rakuoane, and the deputy minister of water visited Liseleng community and expressed remorse. Police Senior Superintendent Mpiti Mopeli stated the Lesotho Mounted Police Service (LMPS) did not condone brutality. The incident was under investigation at year's end. In a June 1 letter highlighting law enforcement deficiencies, then Prime Minister Majoro cited widespread police brutality, the torture of citizens in Liseleng village, and the alleged torture of attorney Mafaesa by police.

According to a September 23 statement by pan-African research network survey Afrobarometer, 71 percent of persons interviewed regarding police conduct responded police "often" or "always" abused or tortured persons in their custody. Approximately 55 percent stated police routinely used excessive force in managing protests.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding; deteriorating infrastructure; physical abuse and inmate-on-inmate violence, including rape; and poor food quality, clothing, sanitary conditions, medical care, ventilation, lighting, and heat.

Abusive Physical Conditions: The Lesotho Correctional Service (LCS) reported facilities in Maseru and Quthing were overcrowded. It attributed prison overcrowding to high crime rates among the unemployed. In a May 17 interview with Radio Lesotho, LCS spokesperson Pheko Ntobane stated prisons were overcrowded. LCS Commissioner Mating Nkakala acknowledged infrastructure deterioration rendered men's prison facilities in Qacha's Nek, Quthing, and Berea Districts, and women's and juvenile facilities uninhabitable. Authorities reported inadequate funding due to delayed disbursements negatively affected operations, including a shortage of essential supplies.

Authorities stated prisoners submitted several complaints of physical abuse by correctional officers during the year. Between February and March, Commissioner Nkakala suspended four LCS officers at the Mokhotlong facility in connection with police investigations. The officers allegedly assaulted an inmate who had reported theft of livestock food by prison officers. The case was referred to the Mokhotlong Magistrate Court and is scheduled for trial in January 2023. The nongovernmental organization (NGO) Transformation Resource Center stated inmates were often reluctant to file complaints due to prison authorities' failure to act on them.

Inmate-on-inmate violence continued to be a problem. For example, the LCS reported two cases of prison gang violence at Thaba-Tseka Prison and one incident at Maseru Central Prison.

Rape and consensual unprotected sex by prisoners contributed to a high rate of HIV and AIDS infection in prisons. In contrast to 2021, there were no reported incidents of rape during the year; however, NGOs believed there were unreported incidents.

All prisons had a nurse and a dispensary to attend to minor illnesses, but health

care was inadequate. Inmate Kebitsamang Falten told *Newsday* newspaper there were four nurses in the Maseru Central compound, but access to their services was limited. Prisons lacked medical units that operated 24 hours a day; as a result, guards confined sick prisoners to their cells from 3 p.m. to 6 a.m. Although prisons provided potable water, sanitation was poor in the Mokhotlong, Berea, Quthing, and Qacha's Nek Prisons. Prisons generally lacked bedding, lighting, and proper ventilation; heating and cooling systems did not exist.

There were no reports of food shortages; however, prison food quality remained poor. On October 7, the *Newsday* newspaper interviewed prisoners at the Maseru Central Prison. Prisoners reported limited access to health care, an unbalanced diet, and a shortage of prison uniforms and blankets. Inmate Motlalentoa Matelo stated prison officials deliberately delayed sending sick inmates to the hospital, unless critically or severely injured. The LCS reported five deaths attributed to natural causes, not from malnutrition or other prison conditions.

Authorities did not institute safeguards or other measures to protect the rights or accommodate the needs of prisoners with disabilities. Prison buildings lacked ramps, railings, and other features facilitating physical access for prisoners with disabilities.

Administration: The LCS investigated credible reports of inmate-on-inmate violence and physical abuse by correctional officers. The Office of the Ombudsman stated it received no prisoner complaints related to prison conditions and treatment during the year. Prisoners were often unaware they could file complaints, which had to be submitted through prison authorities, creating the possibility of retaliation against complainants.

Independent Monitoring: The ombudsperson, diplomatic corps, and church, business community, and court representatives visited prisoners. Visitors provided inmates with medicine, personal hygiene products, and supplemental food.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court.

Arrest Procedures and Treatment of Detainees

The law requires police, based on sufficient evidence, to obtain an arrest warrant from a magistrate prior to making an arrest on criminal grounds. Police arrested suspects openly, informed them of their rights, and brought those charged with a crime before a judicial officer. By law police are required to inform suspects of charges against them upon arrest and present suspects in court within 48 hours. According to media, police did not always inform suspects of charges upon arrest and detained them for more than the prescribed 48 hours. Authorities may not hold suspects in pretrial detention more than 60 days except for those deemed to be a flight risk or who might intimidate witnesses if released. The law provides for bail, which authorities granted regularly and, in most cases, fairly.

Defendants have the right to legal counsel. Authorities generally allowed detainees prompt access to a lawyer. The Legal Aid Division under the Ministry of Justice and Law and NGOs offered free legal assistance, but it did not have the capacity to provide counsel to all indigent detainees.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. Arbitrary arrest and detention were continuing problems. Reports continued that police detained individuals improperly and attempted to refer cases for prosecution based on insufficient evidence or for reasons unrelated to any substantiated criminal offense.

Pretrial Detention: Pretrial detainees constituted 30 percent of the prison population. The average length of pretrial detention was six months, after which authorities usually released pretrial detainees on bail pending trial. Pretrial detention sometimes lasted for years, however, due to judicial staffing shortages, unavailability of legal counsel, inadequate forensic capacity, or negligence. The length of pretrial detention sometimes equaled or exceeded the maximum sentence for the alleged crime. In September 2021, a judge attributed some of the delays to a shortage of medical pathologists. The judge stated some cases were dismissed due to a lack of credible postmortem evidence required to establish the cause of death.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary and the government generally respected judicial independence and impartiality. In contrast to 2021, there were exceptions. Police Commissioner Holomo Molibeli failed to respect court orders. For example, the High Court ordered Molibeli to reinstate 12 recruits dismissed from the Police Training College in May and June for inadequate medical fitness and “unbecoming behavior.” Molibeli subsequently reinstated the recruits. Then Prime Minister Majoro also cited Molibeli’s failure to respect a court decision reversing rejection of police promotions as a basis for recommending his dismissal.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right.

Officials did not always inform defendants promptly and in detail of the charges against them. Defendants enjoyed free interpretation as necessary during proceedings at the High Court and magistrate levels but not at other points in the criminal justice process. Interpreters were not readily available for defendants who did not speak English or Sesotho. By law the free assistance of an interpreter is not required for Court of Appeal cases. Trial delays resulted from a large backlog of cases due to an inadequate number of judges, the failure of defense attorneys to appear in court, defendants changing legal counsel, motions for recusal of judges, and court closures due to unpaid electricity bills.

Defendants have the right to be present at their trial, to communicate with an attorney of their choice, and have adequate time and facilities to prepare a defense. Defendants may confront and question witnesses against them and present witnesses on their own behalf. The law provides for defendants to present evidence on their own behalf at a magistrate’s court, but the High Court requires a lawyer present evidence. Defendants may not be compelled to testify or confess guilt and may appeal a judgment.

In civil and criminal matters, a single judge normally hears cases. In constitutional, commercial, and appeal court cases, more than one judge is

assigned. By law civil and criminal trials are open to the public.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts and appeal adverse decisions to the Court of Appeal.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit arbitrary interference with privacy, family, home, and correspondence, and the government generally respected these prohibitions. Although search warrants are required under normal circumstances, the law provides police with the power to stop and search persons and vehicles as well as to enter homes and other places without a warrant if the situation is deemed life threatening or there are “reasonable grounds” to suspect a serious crime has occurred. Additionally, the law states any police officer of the rank of inspector or above may search individuals or homes without a warrant.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, but the constitution does not explicitly mention freedom of the press and other media. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media. There were no reports the government failed to respect judicial independence.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Independent media practiced self-censorship due to dependence on government advertising revenue and its control of access to

broadcast towers, but media otherwise expressed a wide variety of views without restriction. The law provides for the right to obtain and impart information freely, but only if it does not interfere with “defence, public safety, public order, public morality, or public health.”

In June 2021, the Media Institute of Southern Africa (MISA) expressed its concern regarding proposed legislation mandating the Lesotho Communications Authority to establish and maintain a database containing personal information obtained by monitoring mobile phone calls. MISA argued that making personal data easily accessible to security agencies without judicial consent could violate privacy rights and inhibit free expression. As a result, parliament amended the bill to require security agencies to first obtain court authorization. In December 2021, the Communications Subscriber Identity Module Registration regulations were modified to prohibit the release to a third party of a subscriber’s personal information without the subscriber’s written consent or a court order.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, but the law requires organizers to obtain permits seven days in advance for public meetings and processions. On March 21, COVID-19 pandemic regulations prevented the Coalition of Lesotho Public Employees from holding a demonstration protesting what it viewed as an inadequate annual salary increase of 5 percent. On August 22, the government rescinded the regulations.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

f. Status and Treatment of Internally Displaced Persons

Criminal gang attacks on communities caused displacement of residents (see section 6, Other Societal Violence or Discrimination). According to the Ministry of Home Affairs, local authorities denied internally displaced persons (IDPs) burial sites and access to grazing land for their livestock. There were reports of IDP children being abused at schools.

The Lesotho Highlands Development Project, the Metolong Dam Project, and the Ministry of Mining have programs providing for the safe and voluntary local integration of IDPs displaced by developmental projects. According to the government, it provided some relocated IDPs with housing. There was no system in place to fund the return of IDPs to their homes at year's end.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: On October 7, the government held parliamentary elections in

which the newly formed Revolution for Prosperity (RFP) party won 57 of 120 seats and formed a 66-seat coalition government with the Alliance of Democrats and the Movement for Economic Change. On October 28, former Prime Minister Moeketsi Majoro peacefully transferred power to RFP leader Ntsokoane Samuel Matekane. Democratic Party leader Mathibeli Mokhothu assumed the leadership of the opposition.

The Independent Electoral Commission (IEC) accredited almost 1,000 domestic and international observers. Observers characterized the election as peaceful and conducted in a credible, transparent, and professional manner. Unlike during the 2017 elections, observers did not report Lesotho Defence Force (LDF) presence at polling places.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and women did participate. Of 2,560 candidates who competed in the October 7 national assembly elections, 876 were women. In the 120-member National Assembly, 12 women won seats, and 19 received seats according to proportional representation provisions. Women members of parliament rose from 29 to 31 seats. Three of the 15 cabinet positions are held by women, including the first woman deputy prime minister.

Pitso Lesaoana was the first man with disabilities to win election to a seat in parliament. No members of racial or ethnic minority groups, or known lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons, were elected, although a naturalized Mosotho of Chinese descent ran for a seat and a transgender candidate attempted to run but was rejected because he did not win his party's endorsement. No members of racial or ethnic minority groups, or LGBTQI+ persons were in the National Assembly, Senate, or cabinet.

The law provides for the allocation of one third of the seats in the municipal, urban, and community councils to women. The law also states a political party registered with the IEC must facilitate the full participation of women, youth, and persons with disabilities, but it does not mention LGBTQI+ persons. Party lists for the 40 proportional representation seats in the National Assembly must include equal numbers of women and men.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. The government did not implement the law effectively. There were numerous reports of government corruption, and some officials engaged in corrupt practices with impunity.

Corruption: On September 29, the *Lesotho Times* newspaper reported the Directorate on Corruption and Economic Offences (DCEO) was investigating the award of a 1.5 billion maloti (\$82 million) police tender to Huawei for the supply and installation of surveillance cameras and other digital equipment. Unsuccessful bidders complained the contract was awarded improperly. According to the *Lesotho Times*, Huawei paid bribes to secure the contract. In a December 2021 letter, former Prime Minister Majoro ordered suspension of the project.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In contrast with 2021, on November 11, Prime Minister Matekane met with human rights NGOs.

Government Human Rights Bodies: The mandate of the independent Office of the Ombudsman is to receive and investigate complaints of government maladministration, injustice, corruption, and human rights abuses, and to recommend remedial action where complaints are justified. The courts nullified on procedural grounds a bill passed by parliament amending the constitution to provide for Office of the Ombudsman recommendations to be legally binding.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes the rape of women or men, including spousal rape, and domestic violence. Rape convictions carry a minimum sentence of 10 years' imprisonment. Sexual assault and rape were commonplace, and according to local and international NGOs, most incidents went unreported. When informed, police generally enforced the law promptly and effectively; however, the prosecution of those indicted and tried proceeded slowly.

Domestic violence against women was widespread. On April 16, Police Lance Sergeant Letsie Posholi shot and killed his wife Relebohile Tsolo at Ha Mapotsane in Mochale's Hoek district due to suspected adultery.

On July 26, attorney Gareth Lapan, representing Director of Public Prosecutions Hlalefang Motinyane, withdrew murder, attempted murder, and destruction of property charges against former Prime Minister Motsoahae Thabane and his wife Maesaiah Thabane. The charges stemmed from the 2017 killing of former Prime Minister Thabane's estranged wife Lipolelo Thabane and the attempted killing of Thato Sibolla, who was traveling with Lipolelo at the time of her death. The prosecution stated it encountered challenges tracing a key witness in its explanation for dropping the case.

Advocacy and awareness programs by the LMPS Child and Gender Protection Unit (CGPU), ministries, and NGOs continued public outreach to counter societal acceptance of violence against women and children.

The government had one shelter in Maseru for abused women. The shelter offered psychosocial services but provided help only to women referred to it by the Ministry of Gender; however, most survivors of gender-based violence were unaware of the shelter.

Other Forms of Gender-based Violence: There were reports of forced elopement, a customary practice whereby men abduct and rape girls or women with the intention of forcing them into marriage. If a perpetrator's family was wealthy, the survivor's parents often reached a financial settlement rather than

report the incident to police or allow the case to proceed to trial (see section 6, Child, Early, and Forced Marriage).

Labia elongation, the act of lengthening the labia minora (the inner lips of female genitals) through manual manipulation (pulling) or physical equipment (such as weights) was practiced. Labia elongation is legal; however, according to the NGO Federation of Women Lawyers, it was not a common practice.

Sexual Harassment: The law criminalizes sexual harassment; however, survivors rarely reported it. Penalties for those convicted of sexual harassment are at the discretion of the court. Police believed sexual harassment to be widespread in the workplace and elsewhere (see section 7.e.). On July 11, Transformation Resource Center Executive Director Tsikoane Peshoane appeared before the Maseru Magistrate Court on charges of sexual harassment. Three women who worked at the center accused him of sexual abuse and harassment. He was released pending trial on the condition he does not intimidate the plaintiffs. Tsikoane Peshoane has yet to be tried by year's end.

On May 12, Magistrate Peter Murenzi acquitted Deputy Commissioner of Police Paseka Mokete of sexual harassment for lack of evidence. In 2020 Police Inspector Makatleho Mphetho filed a lawsuit accusing Mokete of sexual harassment. On June 8, the director of public prosecutions appealed the acquittal, and Mokete countersued Mphetho alleging perjury. No court date had been set by year's end.

The CGPU continued broadcasting radio programs to raise public awareness of the problem of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Social and cultural barriers, but no legal prohibitions limited access to contraception and related services. There was access to modern contraception for a minimal fee; male and female condoms were readily available free of charge.

The government provided access to sexual and reproductive health services informed by guidelines for medicolegal care to survivors of sexual violence,

including emergency contraception as part of the Ministry of Health's management of rape.

NGOs reported unequal treatment in access to prenatal and postnatal health care. Inequities were due to poorer patients' inability to cover the secondary costs of health care such as transportation; cultural practices, such as family members demanding home birth medical services; inadequate care in health-care facilities; and poor public reproductive health education. Approximately 89 percent of births took place in health-care facilities. There was access to emergency health care for the management of complications arising from abortion. Limited sexual health education contributed to early motherhood among adolescents (see Children subsection).

According to the WHO, the maternal mortality rate was 554 per 100,000 live births. The high maternal mortality rate was primarily attributed to health-system limitations. The survey identified correlations among education, wealth, and contraceptive use; women with living children were more likely than those without living children to use contraceptives. In remote areas, some women relied on traditional medicine rather than skilled providers during their pregnancy.

Discrimination: Except regarding employment (see section 7.d.) and inheritance rights, women have the same legal status and rights as men under family, religious, and nationality laws as well as laws regarding labor, access to credit, and owning or managing businesses or property. Women have the right to execute a last will and testament and to sue for divorce. A customary law marriage does not have legal standing in a civil court unless registered in the civil system. Although there were no reported cases of discrimination against members of specific racial, ethnic, or religious groups, LGBTQI+ persons and persons with disabilities faced societal discrimination. The government did not enforce the law effectively.

Although civil law provides for women to have inheritance, succession, and property rights, customary law does not permit women or girls to inherit property and takes precedence over civil law in property disputes.

According to the Lesotho Federation of Women Lawyers, the government enforced the law in urban areas but deferred to customary law in rural areas.

Systemic Racial or Ethnic Violence and Discrimination

According to the constitution, every citizen enjoys the same fundamental human rights and freedoms regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. There were no reports of violence or discrimination against racial or ethnic minority groups.

Children

Birth Registration: According to the constitution, birth within the country's territory confers citizenship. The law stipulates birth registration must occur within three months of birth but provides for late registration for up to one year without penalty.

Education: By law primary education, which ends at grade seven, is universal, compulsory, and tuition free beginning at age six. The Ministry of Education and Training set the maximum age for free primary education at 13. Secondary education is not free, but the government offered scholarships to orphans and other vulnerable children. Authorities may impose a nominal monetary fine or imprisonment of parents convicted of failing to assure regular school attendance by their children.

Child Abuse: While the law prohibits child abuse, it was a continuing problem, especially for orphans and other vulnerable children. The penalties for conviction of ill treatment, neglect, abandonment, or exposure of a child to abuse are up to two months' imprisonment and a nominal monetary fine. Neglect, common assault, sexual assault, and forced elopement occurred.

The Maseru Magistrate's Court has a children's court as part of a government initiative to protect children's rights. For example, in March the court convicted a former director of disability at the Ministry of Social Development, Retselisitsoe Thoahlane and his son Tumelo Thoahlane of raping an 11-year-old girl in the father's care and sentenced both to 15 years' imprisonment.

The CGPU led the government's efforts to combat child abuse. The CGPU sought to address sexual and physical abuse, neglect, and abandonment of children, and to protect the property rights of orphans. It also advocated changing cultural norms

that encouraged forced elopement.

Child, Early, and Forced Marriage: Civil law defines a child as a person younger than age 18 but provides for a girl to marry at age 16. Customary law does not set a minimum age for marriage. The Ministry of Social Development and World Vision International conducted public awareness campaigns against child marriage in several districts. On July 27, Mohale's Hoek District Administrator Bahlakoana Tsolo stated orphaned girls were particularly vulnerable to child marriage and early pregnancy due to poverty. He noted child rape and early and forced marriage increased during the COVID-19 pandemic lockdown period when children were homebound. World Vision International's Acting Child Protection and Adult Safeguarding Lead Motlatsi Taka cited harmful cultural practices (including labeling girls unmarried by age 15 spinsters), limited reporting, and post COVID-19 school dropouts as contributing factors. He stated when parents learned of an adolescent child's pregnancy, they often forced the child to marry her rapist.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial exploitation, including child sex trafficking. It sets the minimum age for consensual sex at 18 and criminalizes all forms of child sex trafficking. Anyone convicted of an offense related to child sex trafficking is liable to a sentence of up to life imprisonment. Conviction of child pornography carries a similar sentence. Offenders convicted of child sex trafficking are liable to a sentence of life imprisonment. The death penalty may be applied if an HIV-positive perpetrator is convicted of knowingly infecting a child. There were no cases reported during the year.

Antisemitism

Few Jewish persons resided in the country. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: By law, “any person charged with sodomy or assault with intent to commit sodomy may be found guilty of indecent assault or common assault if such be the facts proved.” Authorities did not enforce the law.

Violence against LGBTQI+ persons: Matrix, the sole NGO dedicated to the protection of LGBTQI+ persons’ rights, reported two cases of assault against its members. For example, on June 6, media reported unknown assailants attacked a transgender man at Ha Letsoela Village. The survivor reported the matter to police and the case was under investigation at year’s end.

Discrimination: The law prohibits discrimination by state and nonstate actors based on sexual orientation but does not explicitly forbid discrimination based on gender identity or expression. The government did not effectively enforce the law. LGBTQI+ persons faced societal discrimination and disrespect. Matrix reported six parents and guardians disowned their children because of their sexuality during the year.

Matrix public sensitization campaigns reduced discrimination in access to health-care services and participation in religious activities. There were no reports of employment discrimination.

Availability of Legal Gender Recognition: According to amendment of the Registration of Births and Deaths Act, the Ministry of Home Affairs must amend the national register to provide for persons who have undergone “sex change operations” to change their “sex” identity marker on legal and identifying documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions of freedom of expression, association, or peaceful assembly targeting LGBTQI+ individuals.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities; however, persons with disabilities did not have equal access to education, employment (see section 7.d.), health services, public buildings, transportation, and government information and communication on an equal basis with others.

Children with physical disabilities attended school, but facilities to accommodate them in primary, secondary, and higher education were limited. Implementation of Ministry of Education and Training policy to provide for greater access to education for children with disabilities continued slowly. The policy provides for increasing the capacity of mainstream schools to accommodate children with disabilities instead of having them attend segregated schools. By law conviction of denying a child admission to a school because of the child's disability is punishable by a nominal monetary fine and up to five years' imprisonment.

Law and regulations provide for persons with disabilities to have access to public buildings. Public buildings completed after 1995 generally complied with the law, but many older buildings remained inaccessible. According to the executive director of the Lesotho National Federation of Organizations of the Disabled (LNFOD), air travel services were adequate for persons with disabilities. He stated an insufficient number of sign language interpreters in the judicial system resulted in case postponements for persons with hearing disabilities. Documents in braille and JAWS (Job Access with Speech, a computer software used by persons with vision disabilities) were not widely available.

The law states public events, news broadcasts, educational programs and other platforms that cover public information of national significance should provide sign language and other means of access by persons with disabilities. The IEC and Lesotho Television provided sign language interpretation for political parties presenting manifestos ahead of October 7 elections. Few political parties provided sign language interpretation at rallies and no political party provided documents in braille.

The law provides for a 400 maloti (\$22) monthly disability stipend for persons with severe disabilities. LNFOOD Executive Director Nkhasi Sefuthi stated the criteria used to determine “severity of disability” limited inclusivity. The Persons with Disability Equity Act enacted in 2021 mandated creation of a persons with disabilities advisory council to provide for equal opportunities and recognition of the rights of persons with disabilities, including access to education, health services, public buildings, and public transport on an equal basis with others. Authorities had yet to establish the council by year’s end.

There were no reports of persons with disabilities being abused in prison, school, or mental health facilities; however, LNFOOD reported cases of societal abuse of persons with hearing and intellectual disabilities.

Other Societal Violence or Discrimination

Media reported killings of the elderly and ritual killings across the country. For example, on July 10, Ha Mokheseng villagers discovered the bodies of two elderly women. Their bodies had stab wounds and their throats had been slit. The government continued to hold gatherings to raise public awareness of the problem of elder abuse.

There were sporadic incidents of vigilante mob violence targeting criminal suspects. On June 9, Ha Matala villagers in Maseru burned two men to death suspected of stealing six empty gas canisters from a local shop. Police arrested suspects Atang Thelingoane, Lentso Tlali, and Bafokeng Mphatsoane. On June 16, they appeared in court charged with the murder of the two men. Regarding the incident, Police Senior Superintendent Rantoane Motsoetla appealed to the public not to take the law into their hands.

There were reports of gang violence. On August 4, former Prime Minister Majoro while still in office described as a crisis accordion music gangs involved in killing members of competing groups, offering their services as hitmen, and committing attacks on rival gangs’ family members. On September 5, the South African Police Service issued an arrest warrant for gang leader Sarele Sello and four other Lesotho-citizen suspects linked to a July 10 bar shooting at Nomzano, Orlando East, South Africa. The gang reportedly entered the bar and shot and killed 16

individuals and shot and wounded seven others. Following allegations the perpetrators were illegal Basotho miners, former Prime Minister Majoro apologized for their alleged rape of eight women in Krugersdorp, South Africa.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution protects freedom of association. By law workers in the private sector have the right to join and form trade unions of their own choosing without prior authorization or excessive bureaucratic requirements. The law prohibits civil servants and police from joining or forming unions but provides for them to form staff associations for collective bargaining and promoting ethical conduct of their members. All trade unions must register with the Office of the Registrar of Trade Unions. Registration requires that more than 35 percent of workers in an enterprise of 10 persons or more be unionized. Only the members of a registered trade union are entitled to elect workplace union representatives. The registrar may refuse to register a trade union if the provisions of its constitution violate the labor code. The law provides for unions to conduct their activities without interference, although only unions with a 35 percent membership are permitted access to work sites to perform union duties, including communicating with management, and recruitment of new members.

The government and employers generally respected freedom of association and collective bargaining. Government approval is not required for collective agreements to be valid. The law protects collective bargaining but does not provide for minority union collective bargaining rights, and places restrictions on factory workers. Although factory workers have bargaining power, the law requires any union entering negotiations with management to represent at least 50 percent of workers in a factory. Only a few factories met that condition, and unions at factories where union membership is below 50 percent could not represent workers collectively in negotiations with employers. Some factory owners in the apparel industry were willing to bargain collectively on wages and working conditions but only with trade unions that represented at least 50 percent of workers. In 2021 the International Labor Organization observed recognition thresholds used for private sector unions and public sector employees' associations

do not clearly protect the rights of minority unions to bargain collectively.

The law significantly limits the right to strike. In the private sector, the law requires workers and employers to follow a series of procedures designed to resolve disputes before the Directorate of Dispute Prevention and Resolution (DDPR), an independent government body, authorizes a strike. If mandatory negotiations between employer and employees reach a deadlock, a union may file with the DDPR for permission to embark on a strike. The employer and employees must agree on the strike rules and its duration. Employers may also invoke a lockout clause and should inform the DDPR of their intention to invoke the clause based on employer-employee agreement. The law does not permit civil servants, military, and essential workers to strike. Only a registered union with a 51 percent majority of staff as determined by the union may call a strike on a “dispute of interest” (a demand that goes beyond terms and conditions established by law or an existing contract).

The Labour Court is the key judiciary entity to address labor disputes. It reviews the decisions of the DDPR while the Labour Appeals Court reviews the decisions of the Labour Court. The Courts’ independence remained questionable because they are under the authority of the Ministry of Labour and Employment (Ministry of Labor), despite a 2011 law transferring it to the judiciary. In 2018 the ministry established a task team to work on making the transfer to the judiciary. The court had two judges and decided approximately 101 cases during the year. Nevertheless, decisions were often delayed because the court had a backlog of cases due to limited resources including personnel.

The law does not provide public sector employees workers a right to strike. By law the Public Service Joint Advisory Council provides for due process and protects civil servants’ rights. The council is a statutory body under the Ministry of Public Service. Its decisions are reviewed by the Labour Court. The council consists of equal numbers of members appointed by the minister of public service and members of associations representing at least 50 percent of civil servants. The council concludes and enforces collective bargaining agreements, prevents and resolves disputes, and provides procedures for dealing with general grievances. Currently, the council is not operational as civil servants’ associations do not represent at least 51 percent of civil servants in order to collectively bargain with

the council. The Public Service Tribunal is an appeal body within the Ministry of Public Service. It handles appeals brought by civil servants or their associations. A public officer may appeal to the tribunal within 21 days of the disciplinary hearing outcome. The tribunal may confirm, set aside, or change the decision of the disciplinary hearing. The Labour Court reviews the decision of the tribunal.

The law prohibits antiunion discrimination and other employer interference in union functions. The law provides for reinstatement of workers dismissed for union activity. The law does not cover the informal sector and excludes the self-employed from relevant legal protections. On August 15, the Construction, Mining, Quarrying, and Allied Workers Union reported China Geo dismissed 17 workers who participated in a lawful strike. Some employers denied unions the opportunity to meet with their members.

The government did not effectively enforce applicable law regarding disputed cases. The law stipulates disputes of interest are to be conciliated within 30 days of referral. The law also stipulates arbitral awards are to be issued within 30 days from the date of completion of arbitration proceedings; however, on average cases were generally resolved within three to six months by the DDPR. During the year a total of 1,167 cases were resolved. The DDPR had a backlog of cases due to a reduction in the number of arbitrators. Penalties were less than those for similar violations.

There were reports the companies Precious Garments and Taiyan Garments discriminated against disfavored unions by refusing unions with majority members access to their facilities to consult their members. There were reports that some factories threatened not to extend contracts of workers who join trade unions. Unions also stated employers hired workers on a temporary basis depriving them of their rights to bargain collectively, earn leave days, and qualify for severance pay. The government did not investigate these acts and perpetrators did not face penalties. In the retail sector, employers generally respected freedom of association and the right to bargain collectively, although retail unions complained employers commonly appealed Labour Court rulings to delay implementation. The Labour Court was subject to judicial delays in view of its case backlog.

Throughout the year textile union workers requested a 20 percent salary increase

that the union later reduced to 15 percent. Private sector employers, through their representatives on the Wage Advisory Board, offered a 3 percent increase for the textile industry and a 4 percent increase for all other sectors. On April 29, then Minister of Labour Selema Mangobe announced a 6.5 percent salary increase for all private sector workers. The United Textile Employees Union rejected the increase stating it was below the inflation rate.

According to the Lesotho Public Servants Staff Association (LEPSSA), 17 percent of civil servants belonged to the association. LEPSSA reported most civil servants did not register for membership in the association because they were reluctant to join an association that did not have bargaining rights and therefore could not engage in a lawful strike. LEPSSA has also reported the Public Service Act of 2005 permits only workers from grade A to H (junior officers) to join the association while grade I to K (managers) are not allowed to do so. The low rate of participation made it difficult for LEPSSA to engage with the government on workers' rights problems, resulting in declining membership trends from 6,500 members in the 2017-18 financial year to 3,998 members in the 2022-23 financial year. In July, LEPSSA filed a Constitutional Court application against the minister of labour for denial of its right to register as a civil servants' trade union as enshrined in the constitution.

The Lesotho Police Staff Association (LEPOSA) stated 98 percent of all police officers were members of the organization, an increase from 92 percent in 2019. Lesotho Nurses Association (LNA) reported 40 percent of nurses joined the association. The Lesotho School Principal Association (LESPA) reported 56 percent of principals joined the association while 55 percent of teachers joined associations.

On February 22, the Coalition of Lesotho Public Employees (COLEPE) (comprised of LEPOSA, LEPSSA, LNA, LESPA, the Lesotho Association of Teachers, Lesotho Teachers Trade Union, and Qiloane Nursing Assistants Association), delivered a petition to then Prime Minister Moeketsi Majoro requesting a 25 percent salary increase. COLEPE threatened to take unspecified action if the government did not accept its demands within 24 hours. The association also demanded Revenue Services Lesotho abolish the 30 percent pay-as-you-earn income tax bracket and only retain the 20 percent tax bracket. On

March 3, then Minister of Finance Sophonea announced a 5 percent salary increase for civil servants. COLEPE rejected the increase stating it was insufficient. On March 18, COLEPE applied for a permit to march and deliver a petition to the then prime minister, deputy prime minister, and the speaker of the national assembly. It was denied. COLEPE subsequently filed a court application requesting a 20 percent salary increase. A judgment was issued requesting the government address its demands. The government did not meet with COLEPE. At year's end its grievances remained unresolved.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor including child labor. The Child and Gender Protection Unit conducted community outreach on forced labor through community gatherings, lectures, workshops, and radio programs. Police focused on high schools and areas located close to the borders with South Africa to raise awareness of human trafficking and other forms of forced labor.

The government did not consistently enforce the law. Some government ministries and NGOs stated the government did not have sufficient resources to enforce compliance. Police reported inadequate resources and training hampered their investigations and remediation efforts. During the year the government convicted and sentenced one trafficker to 50 years in prison. The government prosecuted 16 trafficking cases including six cases of forced labor. It identified 24 trafficking victims, including 10 labor trafficking victims.

In 2021 the government launched a national action plan and allocated funding for its implementation. It finalized and implemented guidelines for victim identification and referral for care, and increased antitrafficking training and awareness-raising efforts for law enforcement, diplomats, and the public. The Ministry of Labour, the LMPS Anti-Trafficking and Migrant Control Unit, and the Ministry of Home Affairs with the support of the International Organization for Migration (IOM) formed a joint task team to conduct inspections targeting forced labor.

In 2021 the government enacted an antitrafficking law that closed key legislative gaps, including criminalizing all forms of sex trafficking and prescribing penalties

commensurate with the penalties for other serious crimes, and commencing criminal investigations into multiple government officials allegedly complicit in human trafficking offenses. It provided, for the first time, funding for victim protection. Criminal penalties for conviction of violations were commensurate with those for similar crimes and were sometimes applied against violators.

Forced labor, including forced child labor, continued to occur in the sectors of domestic work and agricultural work. Victims of forced labor were frequently either women, children, or workers in the informal sector.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, religion, national origin, color, sex, ethnicity, age, sexual orientation, HIV or AIDS status, or refugee status. Migrant workers have the same legal protections, wages, and working conditions as citizens.

Discrimination based on disability is not explicitly prohibited. The law prohibits gender-based employment discrimination, but the definition of gender does not explicitly include gender identity or address discrimination against LGBTQI+ persons. The law states men and women shall receive equal remuneration for work of equal value. There were no reports women were treated differently from men regarding working hours in most occupations and job tasks; however, there were legal limitations on the employment of women in some industries, such as mining. The Ministry of Labour is responsible for enforcing the law, but it lacked adequate resources and did not report any complaints during the year. In the past both men and women reported hiring practices often aligned with gender, with men

preferentially selected for certain positions (such as mechanics) and women preferentially selected for other positions (such as sewing machine operators). According to trade union leaders, women working in the textile and security sectors were only provided with six weeks of paid maternity leave instead of the 12 weeks stipulated by law.

Penalties for discrimination were less than those for similar crimes. Penalties were rarely applied against violators.

In October, the Worker Rights Consortium stated there were 10 reported cases of gender-based violence at Nein Hsing factory during the year. The cases were reported through the Lesotho Federation of Lawyers reporting line. The survivors included eight women and two men. NGO Workers Rights Watch investigated all cases and provided determinations in two cases. Some perpetrators received punishment; eight cases awaited enforcement of penalties.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes a general minimum wage for the formal sector and domestic workers except agriculture sector workers. Sector-specific minimum wages exist for certain industries. The Wage Advisory Board established by the minister of labour and employment can submit minimum wage proposals following a minimum 30-day consultation period. The minister then decides on the minimum wage, informs the board, and publishes the minimum wage in a government gazette that specifies its date of entry into force. The general minimum monthly wage of 836 maloti (\$45.95) for employees with less than 12 months of continuous service and of 912 maloti (\$50.12) for employees with more than 12 months of continuous service was above the official poverty line. Sector-specific minimum wages are generally substantially higher than the general minimum wage.

The law stipulates standards for hours of work, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, a daily minimum rest period of one hour, at least 12 days of paid leave per year, paid sick leave, and public holidays. Required overtime is legal if overtime wages for work in excess of the standard 45-hour workweek are paid. The maximum overtime allowed is 11 hours

per week; however, there are exemptions under special circumstances. The law requires the premium pay for overtime be at a rate not less than 25 percent more than the employee's normal hourly wage rate. Employers who engage in excessive compulsory worker overtime is liable to a fine, imprisonment, or both.

Labor laws, including wage and hour rules, do not apply to workers in agriculture or the informal sectors that employ most workers.

Occupational Safety and Health: The law empowers the Ministry of Labour to issue regulations on occupational health and safety (OSH) standards, and the commissioner of labour is responsible for investigating allegations of labor law violations.

The law requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner that minimizes injury. It also requires each employer have a registered health and safety officer. Employers must provide first aid kits, safety equipment, and protective clothing. The law also provides for a compensation system for industrial injuries and diseases related to employment. The law holds employers responsible for orienting their employees on safety standards and for providing adequate protective clothing. Workers may be held responsible for accidents if they fail to use provided protective clothing or fail to comply with safety standards.

Trade union representatives from the textile sector described working conditions as poor or harsh but not dangerous. They stated failure by small factories to observe the World Health Organization's COVID-19 pandemic guidelines put the workers at risk of contracting the disease. Unions noted government-constructed factories had poor layout and were designed with improperly installed ventilation.

Employers who leased factories from the government were not allowed to change the design of government factory buildings to install ventilation systems.

Independent auditors hired by foreign textile buyers conducted spot checks on many exporting factories, customarily sought labor's input, and briefed the unions on their findings. Unions believed independent auditors kept factory owners compliant with health and safety regulations.

Many workplace health and safety policies covered employees with HIV or AIDS.

Some of the larger factories provided health-care services at the workplace. Where factories did not provide health care, workers had the right to access services at public health centers. Employers provided space for employee examinations and time off for employees to see doctors, receive counseling, and participate in educational and antistigma programs.

The law does not explicitly provide for workers to remove themselves from situations that endanger their health or safety without jeopardy to their employment. Workers have the right to report incidents that put their lives in danger to their safety officers or safety committees. Workers reported being pressured not to report violations. Nevertheless, code provisions on safety in the workplace and dismissal imply such a dismissal would be illegal. Authorities protected employees when violations of the law were reported. Working conditions for foreign or migrant workers were the same as those of residents, and migrants had equal protection under the law in the formal sector.

The Ministry of Labour prepares an annual report on workplace fatalities and accidents. According to the report, from January through August there were 81 accidents in which six persons died and 75 (49 men and 26 women) sustained serious injuries. The affected sectors included the textile, manufacturing, mining, security, retail, and construction sectors.

Wage, Hour, and OSH Enforcement: The government enforced wage and hour laws inconsistently. Inspectors have authority to make unannounced inspections; however, only the courts may impose sanctions. The Ministry of Labour's inspectorate reported employers, particularly in the security, transport, and construction sectors, did not always observe the minimum wage and hours-of-work laws. Many locally owned businesses did not keep adequate employee records to facilitate labor inspections as required by law.

The Ministry of Labour observed the security, retail, and construction sectors did not always conform to the minimum wages and hours-of-work regulations. In general overtime laws were enforced through inspection visits and office mediation. Trade unions reported alleged violations of overtime laws, including in factories that did not pay workers for overtime work. Unions stated employers refused to extend the contracts of workers who demanded overtime pay.

The government did not enforce OSH regulations effectively. Labor inspectors worked in all districts and generally conducted unannounced inspections, but the government did not employ enough labor inspectors to enforce compliance. The Ministry of Labour reported it had nine OSH inspectors who conducted inspections country wide during the year. Smaller employers failed to establish safety committees, did not have complete first aid kits, and did not provide protective clothing. Employers' compliance with health and safety regulations was generally low. According to the ministry, there was extensive noncompliance with health and safety regulations, especially in the manufacturing, retail, security, mining, and construction sectors. Employers exploited the ministry's lack of labor inspectors and its inability to prosecute violations.

Penalties for violations of OSH laws were less than those for similar crimes. Penalties were sometimes applied against violators.

Labor laws did not cover wage, hour, and OSH for workers in the informal sector, but part time workers were covered by all labor laws except the Workmen's Compensation Act of 1977.

Informal Sector: The Ministry of Labour has minimal jurisdiction over the informal economy, where an estimated one-half of the country's 931,190 workers were employed. The informal sector consists of the agriculture, domestic work, and the construction sectors. Violations of wage, hour and safety regulations were common. Conditions were especially hazardous in the construction, agriculture, domestic work, and mining sectors. There is no official entity that provides protection for workers in the informal sector. The law does not provide for informal workers' participation in the social security programs administered by the Ministry of Social Development.