

Lesotho 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Lesotho during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment by security forces; arbitrary arrest or detention; arbitrary or unlawful interference with privacy; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, child, early, and forced marriage, and other forms of such violence; and the existence of unenforced laws criminalizing consensual same-sex sexual conduct between adults.

While impunity was a problem, the government took credible steps to identify and punish officials who may have committed human rights abuses. Nevertheless, the process of investigation, prosecution, and trial was slow.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or

Politically Motivated Killings

The constitution prohibited arbitrary deprivation of life. Security forces allegedly committed several abuses similar to the following example. On June 7, three police officers from the Hlotse Criminal Investigation Division arrested Lehlohonolo Lehlehla at gunpoint at Maputsoe in Leribe District. One of the officers allegedly choked him with a belt until he collapsed, and then the three officers hit him with their rifle butts, locked him in the trunk of their vehicle, and took him to Hlotse Police Station. When family members went to the station, the receptionist denied knowledge of Lehlehla's detention. On June 8, police informed Lehlehla's family that he had "died while resisting arrest" and released his body without a coroner's examination. The family rejected the explanation and had an independent autopsy conducted that revealed Lehlehla died from brain swelling caused by a blunt object. Authorities investigated the deaths, and the matter was pending a decision whether to prosecute and try two of the officers at 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 stated no person should be subjected to torture, inhuman or degrading punishment or other treatment, and the penal code cited torture as a crime against humanity. Nevertheless, there were credible reports police and other security agency members tortured suspects and subjected them to cruel, inhuman, or degrading treatment or punishment.

There were numerous reported abuses similar to the following example. On September 25, seven Mohale's Hoek Correctional Service officers allegedly kicked and beat an inmate with sticks following allegations he smuggled marijuana into Mohale's Hoek prison. The inmate later died in a hospital. Lesotho Correctional Service (LCS) authorities suspended the seven officers from duty, and police investigated the incident. The Office of Public Prosecutions did not authorize the officers' prosecution by year's end.

Prison and Detention Center Conditions

Prison conditions were harsh but not life threatening due to overcrowding in some facilities; deteriorating infrastructure; physical abuse and inmate-on-inmate violence, including rape; and poor food quality, clothing, inadequate sanitary conditions, medical care, ventilation, lighting, and heat.

Abusive Physical Conditions: The LCS reported facilities in Mafeteng and Quthing were overcrowded. On February 26, the *Sunday Express* newspaper

reported food quality remained poor, and the LCS struggled to provide adequate clothing to inmates due to a limited budget. The LCS Commissioner Mating Nkakala stated infrastructure deterioration rendered men's prison facilities in Qacha's Nek, Quthing, and Berea Districts, and women's and juvenile facilities unfit for habitation.

In January authorities took disciplinary action against five officers who physically assaulted an inmate at Maseru Female Correctional Facility. Authorities fined four of the five officers.

Administration: The LCS investigated credible allegations of physical mistreatment by correctional officers and inmate-on-inmate violence.

Independent Monitoring: The ombudsperson and diplomatic corps, as well as church, business community, media, and court representatives, visited prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law required police, based on sufficient evidence, to obtain an arrest

warrant from a magistrate prior to making an arrest on criminal grounds. By law police were 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 were not to 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 provided for bail, which authorities granted regularly.

Defendants had the right to legal counsel. Authorities generally allowed detainees prompt access to a lawyer. The Legal Aid Division under the Ministry of Justice, Law, and Parliamentary Affairs and nongovernmental organizations (NGOs) offered some free legal assistance, but they did not have the capacity to provide counsel to all indigent detainees.

Arbitrary Arrest: Arbitrary arrest and detention were continuing problems. In March, Makahlolo Mochobi filed a lawsuit alleging “unlawful arrest and detention” and demanding 500,000 maloti (\$27,150) in compensation for pain and suffering. Mochobi claimed she went to police headquarters to report a fake Facebook account opened in her name and police detained and beat her.

Pretrial Detention: Lengthy pretrial detention was a problem. Pretrial detainees constituted 42 percent of the prison population. The length of pretrial detention sometimes equaled or exceeded the maximum sentence

for the alleged crime. Pretrial detention sometimes lasted for years due to judicial staffing shortages, unavailability of legal counsel, inadequate forensic capacity, or negligence.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary and the government generally respected judicial independence and impartiality. Some authorities, however, failed to respect court orders. For example, on March 27, Judge Tseliso Mokoko ordered Police Commissioner Holomo Molibeli to explain why he failed to follow his order to reinstate Deputy Commissioner Beleme Lebajoa to his previous position. Molibeli responded he had misunderstood Mokoko's order.

Trial Procedures

The constitution and law provided 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. The law did not provide the free assistance of an interpreter 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, and motions for judge recusals.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

According to the Transformation Resource Center, Mokhotlong villagers alleged the government Lesotho Highlands Water Project seized grazing land, fields, and business sites without adequate compensation during the construction of Polihali Dam.

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

The constitution and law prohibited arbitrary interference with privacy, family, home, or correspondence. In contrast with 2022, police and National Security Service members confiscated the mobile phone of Democratic Congress party Deputy Spokesperson Moeketsi Shale. National Security

Service Director General Pheello Ralenkoane claimed he was investigating Shale regarding the killing of Tsenolo Radio Station journalist Ralikonelo Joki. On June 20, the Constitutional Court declared the warrant authorizing seizure of the cell phone unconstitutional in violation of Shale's right to privacy and freedom from arbitrary seizure of property.

Section 2. Respect for Civil Liberties

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

The constitution and law provided for freedom of expression, but the constitution did 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 media members.

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 provided for the right to obtain and impart information freely, but only if it did not interfere with “defence, public safety, public order, public morality, or public health.”

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

In contrast with 2022, the government limited the freedom of peaceful assembly.

Freedom of Peaceful Assembly

On March 13, opposition Socialist Revolutionaries Party Youth League members applied for a permit to protest on March 24. Police declined to issue a permit on the grounds they would be unable to monitor the march, due to other commitments; however, police reportedly declined the permit for political reasons.

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 provided 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 provided for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Criminal gang attacks on communities caused displacement of residents. According to the Ministry of Home Affairs, local authorities denied IDPs burial sites and access to grazing land for their livestock. There were reports of IDP children being abused at schools. For further information concerning IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org/>.

Section 3. Freedom to Participate in the Political

Process

The constitution and law provided 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

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities. On September 29, the government held credible local government elections viewed as an important milestone in solidifying the country's democracy.

Section 4. Corruption in Government

The law provided 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 January 5, Minister of Finance and Development Planning Retselisitsoe Matlanyane stated the government's failure to follow procurement procedures involved serious government corruption. In December 2022 the *Lesotho Times* newspaper reported Minister of Agriculture, Food Security and Nutrition Thabo Mofosi in November 2022

authorized a 43.1 million maloti (\$2.3 million) purchase of fertilizer from a South African company without following official procurement procedures. The company won the contract despite being the highest bidder. Mofosi reportedly had a relationship with the company based on prior dealings with it.

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

Domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The Office of the Ombudsman was mandated to receive and investigate complaints of government maladministration, injustice, corruption, and human rights abuses, and recommended remedial action where complaints were justified. It was independent and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized the rape of women or men, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence; however, it did not address so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. Rape convictions carried 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 17, then Police Constable Moshoeshoe Qoachela appeared before Quthing Magistrate Court charged with murdering his girlfriend and a policewoman. On August 15, Qoachela was fired following a disciplinary hearing. Qoachela was not tried by year's end.

Advocacy and awareness programs by the Lesotho Mounted Police Service Child and Gender Protection Unit (CGPU), ministries, and NGOs continued public outreach to counter societal acceptance of violence against women and children. The government operated one shelter in Maseru for abused women. The shelter offered psychosocial services to women referred to it

by the Ministry of Gender.

Other Forms of Gender-based Violence or Harassment: Media reported cases of forced elopement, a customary practice whereby men abducted and raped 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. On July 26, Semonkong Village police reportedly failed to charge perpetrators in a case involving the marriage of Lekhafola Tsele, age 21, and a girl age 13. The girl's relatives facilitated the marriage without informing the girl's mother. Police reunited the girl with her mother, but she left her mother and returned to Tsele's home.

The law criminalized sexual harassment; however, survivors rarely reported it. Legal penalties for those convicted of sexual harassment were not codified and therefore applied at court discretion. Police believed sexual harassment to be widespread in and outside the workplace.

On September 4, the Worker Rights Consortium stated there were nine reported cases of gender-based violence at Nien Hsing International jeans factories and fabric mill. As a result, some perpetrators were demoted while others received written warnings.

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 was legal; however, according to the NGO Federation of Women Lawyers, it was not a common practice.

Discrimination: The law provided the same legal status and rights for women as men under family, religious, and nationality laws as well as laws regarding access to credit and owning or managing businesses or property. Women did not, however, enjoy equal rights regarding employment and inheritance.

Women had the right to sue for divorce. Customary law marriage did not have legal standing in a civil court unless incorporated in the civil system. Although there were no reported cases of discrimination against women who were members of specific racial, ethnic, or religious groups, LGBTQI+ women and women with disabilities faced societal discrimination. The government did not enforce the law effectively.

Although civil law provided for women to have inheritance, succession, and property rights, customary law did not permit girls to inherit property and in the absence of a will, took precedence over civil law in property disputes. According to the Lesotho Federation of Women Lawyers, the government enforced the law in urban areas but generally deferred to customary law in rural areas.

The law prohibited discrimination in employment and occupation based on

sex. The law stated men and women should 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 Public Service, Labour, and Employment was responsible for enforcing the law, but it lacked adequate resources and did not report receiving 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.

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. Emergency contraception methods after sexual intercourse were available, however services were often limited as the government promoted more sustainable methods.

The government provided access to sexual and reproductive health services

informed by guidelines for medicolegal care to survivors of sexual violence, including emergency contraception and postexposure prophylaxis 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 adolescent girls.

According to the World Health Organization, the maternal mortality rate was 566 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.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and law prohibited discrimination based on race or

ethnicity. The government did not enforce the law effectively. For example, on July 13, the *Lesotho Times* newspaper reported racist treatment of Basotho construction workers by managers at the Polihali Dam project in Mokhotlong District.

Children

Child Abuse: While the law prohibited child abuse, abuse was a continuing problem, especially for orphans and other vulnerable children. The penalties for conviction of mistreatment, neglect, abandonment, or exposure of a child to abuse were sentences of up to two months' imprisonment and a nominal monetary fine. Neglect, common assault, sexual assault, and forced elopement occurred. The government did not always enforce the law effectively.

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

In April a special children's court opened at the Leribe Magistrate Court, the country's second, the first being the Maseru Magistrate's Court established to protect children's rights.

Child, Early, and Forced Marriage: Civil law defined a child as a person younger than age 18 but provided for a girl to marry at age 16. Customary

law did not set a minimum age for marriage.

Early or forced marriages were prevalent in rural areas. The Ministry of Social Development and World Vision International conducted public awareness campaigns against child marriage in several districts.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including child sex trafficking. It set the minimum age for consensual sex at 18 and criminalized all forms of child sex trafficking. Anyone convicted of an offense related to child sex trafficking was liable to a sentence of up to life imprisonment. Conviction of child pornography carried a similar sentence. The death penalty applied if an HIV-positive perpetrator was 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 incidents.

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. There were no laws against cross-dressing, or other sexual or gender characteristic-related behaviors. On June 30, *Newsday* reported Matrix (an LGBTQI+ advocacy organization), the Seinoli Legal Centre, the Lesotho National Federation of the Organizations of the Disabled (LNFOD), and the International Commission of Jurists filed an appeal to the UN Human Rights Committee urging Lesotho to repeal sections of the law that criminalized sodomy.

Violence and Harassment: Police or other government agents did not incite, condone, or tolerate violence or harassment against LGBTQI+ individuals. Matrix, the country’s sole NGO dedicated to the protection of LGBTQI+ persons’ rights, reported cases of assault and rape against its members. Police responded to the reports, and the commissioner expressed a need to train officers on how to handle LGBTQI+ matters. On September 19, Matrix condemned negative social media comments regarding the wedding of a Lesotho citizen and her South African wife.

Discrimination: The law prohibited discrimination by state and nonstate

actors based on sexual orientation but did not explicitly forbid discrimination based on gender identity or expression or sex characteristics. The government did not enforce the law. The law did not recognize LGBTQI+ couples or their families. LGBTQI+ persons faced societal discrimination and disrespect. Matrix reported parents and guardians of LGBTQI+ children often disowned them because of their sexuality.

The law prohibited gender-based employment discrimination but did not address discrimination against LGBTQI+ persons. There were reports of employment discrimination. For example, a transgender woman resigned from her job because her coworkers referred to her as male and management barred her from women's bathrooms.

Availability of Legal Gender Recognition: Legal gender recognition could be obtained but required a doctor's certificate or "other" unspecified supporting documents. According to Matrix, government adherence to recognition provisions was irregular and appeared to be personality driven.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals. There were no reports of medically unnecessary and irreversible "normalization" surgeries performed on children or on nonconsenting adult intersex persons.

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 prohibited discrimination against persons with disabilities; however, persons with disabilities did not have equal access to education, employment, 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 provided 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 was punishable by a nominal fine and up to five years' imprisonment.

Law and regulations provided 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 LNFOD Executive Director Nkhasi Sefuthi, air travel services were adequate for persons with disabilities. He noted, however, 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, computer software used by persons with vision disabilities) were not widely available.

On May 24, the Lesotho National Association of the Physically Disabled conducted an awareness-raising campaign targeting the local transport industry. It protested some transport operators not accepting persons in wheelchairs or the practice of charging them double fare. On May 26, the High Court published the Disability and Equity (Procedure) Rules. The rules stated, “A person with disability shall be provided appropriate support and accommodations to enable effective participation in judicial proceedings.”

The law stated public events, news broadcasts, educational programs and other platforms that included public information of national significance should provide sign language and other means of access by persons with disabilities. Not all government ministries complied with the requirement.

The law provided for a monthly disability stipend for persons with severe disabilities. LNFOD Executive Director Sefuthi stated the criteria used to determine “severity of disability” limited inclusivity. On July 14, the minister of gender established 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.

Discrimination based on disability was not explicitly prohibited. Limited access to reasonable accommodations increased the difficulty of competing for quality positions in the workforce for persons with disabilities.

There were no reports of persons with disabilities being abused in prison, school, or mental health facilities. In contrast with 2022, LNFOD did not report 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. There were reports of elder abuse in Quthing District. 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 July 2, Malealea villagers in Mafeteng District burned Mamatebele Hlapisi and Tsehla Mokhele to death on suspicion of killing a girl age 11. Fourteen villagers were arrested for the killings and charged with murder. They had yet to be tried by year's end.

Reports of gang violence continued. In May Judge Mafelile Lebese of the High Court stated escalating gang violence could plunge the country into civil war. On April 25, gang member Motlatsi Rantaoana was convicted of the murder of military member Katleho Seliane and attempted murder of

military member Halekhethe Nkonyana. On May 3, Rantaoana was sentenced to 31 years' imprisonment. He claimed he mistook the two military members for rival gang members.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution protected freedom of association. By law workers in the private sector had the right to join and form trade unions of their choosing without prior authorization or excessive bureaucratic requirements. The law prohibited civil servants and police from joining or forming unions but provided for them to form staff associations for collective bargaining and promoting ethical conduct of their members. The law allowed teachers to form and join unions. All trade unions were required to register with the Office of the Registrar of Trade Unions. Registration required 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 were entitled to elect workplace union representatives. The registrar reserved the right to refuse to register a trade union if the provisions of its constitution violated the labor code. The law provided for unions to operate without interference, although only unions with a 35 percent membership were permitted access to work sites to perform union duties, including

communicating with management, and recruitment of members.

The government and employers generally respected freedom of association and collective bargaining. Government approval was not required for collective agreements to be valid. The law protected collective bargaining but did not provide for minority union collective bargaining rights, and it placed restrictions on factory workers. Although factory workers had bargaining power, the law required 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 the law did not provide for unions at factories where union membership was below 50 percent to 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 did not clearly protect the rights of minority unions to bargain collectively. United Textile employees reported some employers were not willing to bargain with the trade union although they met the 50 percent threshold stated in the law.

The government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. Unions cited lack of capacity and limited resources by the government to address

these rights. Unions also claimed employers bribed police not to investigate reported violations. They also claimed labor officers received payments from employers not to report violations.

Penalties for violating freedom of association, collective bargaining, and the right to strike were less than those of similar crimes, and penalties were rarely applied against violators.

The law significantly limited the right to strike. In the private sector, the law required 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, authorized a strike. If mandatory negotiations between employer and employees reached a deadlock, the law provided for a union to file for permission to strike with the DDPR. The employer and employees were required to agree on the strike rules and its duration. Employers could also invoke a lockout clause and had to inform the DDPR of their intention to invoke the clause based on employer-employee agreement. The law did 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 could call a strike on a “dispute of interest” (a demand that went beyond terms and conditions established by law or an existing contract). Unions reported strict law requirements for allowing workers to strike normally led to workers engaging in unlawful strikes that sometimes resulted in their members being

injured or killed by police.

The Labour Court was the key judiciary entity to address labor disputes. It reviewed the decisions of the DDPR while the Labour Appeals Court reviewed the decisions of the Labour Court. Both courts' independence remained questionable because they were under the authority of the Ministry of Labour and Employment (Ministry of Labour), despite a 2011 law transferring it to the judiciary. In 2018 the ministry established a taskforce to work on making the transfer to the judiciary, but no progress had been made by year's end. The court had three judges. During the year, 227 cases were added, but only 79 cases were adjudicated because the court had a backlog of 608 cases dating from 2017. The court cited limited resources, including insufficient office space, computers, and personnel to explain the backlog.

The law did not provide public-sector employees a right to strike but provided teachers with the privilege. By law the Public Service Joint Advisory Council provided for due process and protected civil servants' rights. The council was a statutory body under the Ministry of Public Service. Its decisions were reviewed by the Labour Court. The council consisted 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 concluded and enforced collective bargaining agreements, prevented and resolved disputes, and provided procedures for

dealing with general grievances. The council was not operational as civil servants' associations did not represent at least 51 percent of civil servants in order to collectively bargain with the council. The Public Service Tribunal was an appeal body within the Ministry of Public Service. It handled appeals brought by civil servants or their associations. A public officer could appeal to the tribunal within 21 days of the disciplinary hearing outcome. The tribunal could confirm, set aside, or change the decision of the disciplinary hearing. The Labour Court reviewed the decision of the tribunal. During the year the tribunal received four additional cases for a total of 22 active cases, of which 16 were completed and four withdrawn.

The law prohibited antiunion discrimination and other employer interference in union functions. The law provided for reinstatement of workers dismissed for union activity. The law did not cover the informal sector and excluded the self-employed from relevant legal protections.

The government did not protect freedom of association, collective bargaining, and the right to strike for public-service employees and suspended or dismissed union leaders. On July 28, the Ministry of Health suspended from work three doctors who were members of the doctors' union executive committee. The doctors were reinstated on August 8, after members threatened to strike if their leaders were not reinstated.

The Lesotho Police Staff Association (LEPOSA) reported intimidation, harassment, dismissal, and arrest of union members. In April a court ruled

the dismissal of LEPOSA's president was unlawful, but other cases remained pending. Former Prime Minister Moeketsi Majoro established a ministerial ad hoc committee to investigate causes of conflict between LEPOSA and the police commissioner that caused instability within police. In April 2022 the committee tabled its findings on the problems. LEPOSA distanced itself from the committee's findings.

The government did not effectively enforce applicable jurisprudence regarding disputed cases. The law stipulated disputes of interest were to be conciliated within 30 days. The law also stipulated compensation was 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. A total of 697 cases were resolved during the year. The DDPR reported a backlog of cases due to a reduction in the number of arbitrators. Penalties were less than those for similar violations.

The textile workers' union reported factories like Hippo Knitting targeted union leaders with more years of work experience, while newly employed workers were retained during retrenchments. They reported violations were common at factories that did not have close relationships with foreign buyers. Unions also reported that at Precious Garments and other factories shop stewards were dismissed if found in possession of union forms. They further reported demotions of unions members.

The government investigated some of these acts, but 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.

Throughout the year textile union workers requested a 20 percent salary increase. Private-sector employers, through their representatives on the Wage Advisory Board, offered a 5 percent increase for all sectors. On April 4, then Minister of Labour Ramoeletsi announced a 6.5 percent salary increase for all private-sector workers. Although the increase was well below the amount requested, unions reported workers did not reject the increase because several factories were terminating workers at the time due to financial difficulties.

According to the Lesotho Public Servants Staff Association (LEPSSA), 3.9 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 also reported the Public Service Act of 2005 permitted only workers from grade A to H (junior officers) to join the association while grade I to K (managers) were 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 3,998 members in 2022-23 to 3,900 in

2023-24. In July 2022, LEPSSA filed a Constitutional Court complaint against the minister of labor for denial of its right to register as a civil servants' trade union as enshrined in the constitution.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's *Trafficking in Persons Report* at *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/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law established 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 labor and employment was authorized to submit minimum wage proposals following a 30-day minimum consultation period. The minister then decided on the minimum wage, informed the board, and published the minimum wage in a government

gazette with a specified date of entry into force. The general minimum monthly wage was above the official poverty line. Sector-specific minimum wages were generally substantially higher than the general minimum wage.

The law stipulated 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 was legal if overtime wages for work in excess of the standard 45-hour workweek were paid. The maximum overtime allowed was 11 hours per week; however, there were exemptions under special circumstances. The law required 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 engaged in excessive compulsory overtime were liable to a fine, imprisonment, or both.

Labor laws, including wage and hour rules, did not apply to workers in the agriculture or the informal sectors, which employed a majority of workers.

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

The law required employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a

manner that minimized injury. It also required each that employer employ a registered health and safety officer. Employers were required to provide first-aid kits, safety equipment, and protective clothing. The law also provided for a compensation system for industrial injuries and diseases related to employment. The law held employers responsible for employee training on safety standards and for providing adequate protective clothing. Workers could be held responsible for accidents if they failed to use provided protective clothing or failed to comply with safety standards.

Trade union representatives from the textile sector described working conditions as poor or harsh but not dangerous. Unions noted government-constructed factories were poorly designed and had 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 union 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 and 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 did not explicitly provide for workers to remove themselves from situations that endangered their health or safety without jeopardy to their employment. Workers had 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 implied 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 prepared an annual report on workplace fatalities and accidents. According to the report, from January through August there were 72 accidents in which seven persons died and 65 (55 men and 10 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 had authority to make unannounced inspections; however, only the court could 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. During the year, the ministry received 600 grievances for office mediation, of which 100 came from the security sector, 66 from retail, 37 from construction and the remainder from other sectors for nonpayment of wages and nonobservation of hours of work. In general overtime laws were enforced through inspection visits and office mediation. The Ministry of Labour stated most companies in the security sectors paid workers wages below the minimum wage stipulated by the law. The ministry also stated most factories delayed paying their employees. Trade unions reported violations of overtime laws and alleged most factories did not pay workers overtime work. In the construction sector some companies did not pay workers for months. Some companies retrenched workers, delayed paying severance, and ultimately declared bankruptcy to avoid these obligations. Penalties for violating these rights were sometimes applied but were less than those applied of similar infractions.

The government did not enforce OSH regulations consistently. 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 employed six OSH inspectors who conducted inspections country wide during the year. Inspectors did not have authority to initiate sanctions. 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 insufficient number 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.

The Ministry of Labour had minimal jurisdiction over the informal economy, where an estimated one-half of the country's 521,445 workers were employed. Labor laws did not cover wage, hour, and OSH for workers in the informal sector, but part-time workers were covered by labor laws with exceptions in the Workmen's Compensation Act of 1977.