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1999 Country Reports on Human Rights Practices

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LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the 1993 Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, took office in June 1998 and is the Head of Government. In the May 1998 elections the LCD won 79 seats in the expanded 80-member Parliament. The Basotho National Party (BNP) won the one remaining seat. Over 700 foreign and national election observers concluded that the election met international standards for a transparent, multiparty election. The Langa Commission, a group of election auditors from the Southern African Development Community (SADC), reported that while there was no evidence to substantiate charges of electoral fraud, mismanagement of polling data made it impossible to confirm that fraud did not occur. However, opposition parties claimed that the election result was fraudulent and launched a prolonged and aggressive protest at the royal palace in Maseru in August 1998. Opposition leaders urged the King--who had staged a coup in 1994--to dissolve the newly elected Parliament and install a government of national unity on the basis of their claim that the LCD rigged the election. In September and October 1998, the armed opposition protesters used violence to destabilize the Government, disarm the police, intimidate workers and business owners, shut down government and business operations, and facilitate a junior officer rebellion in the army in September. The army rebels, who were armed, aligned themselves with the opposition protesters. This resulted in a virtual coup and severely strained relations between the Head of State and the Government. The palace vigil and protests resulted in politically motivated killings, injuries, violence, arson, and destruction. These events also precipitated intervention by a SADC military task force in September 1998 to quell the army mutiny and return society to a state of law and order. In the past, the judiciary had been subject at times to government and chieftainship influence; however, there were no credible reports of the use of such influence during the year.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Police

Service (LPS--previously known as the Royal Lesotho Mounted Police--RLMP), and the National Security Service (NSS). The Prime Minister is the Minister of Defense, with direct authority over the LDF and the NSS. The police force is under the authority of the Minister of Home Affairs. In 1996 and 1997, the Parliament passed the Lesotho Defense Act (1996), Regulations for Military Justice (1997), and amended the Royal Lesotho Mounted Police Force Act. This legislation was designed to bring these services under direct civilian control. However, the politicized armed services have a history of intervening in the country's politics and government. The LDF ruled the country with two successive military regimes from 1985-90, and 1990-93. In September 1998, a SADC task force put down an army rebellion, arrested LDF rebels, and disarmed the remaining soldiers. Fifty army personnel were accused of fomenting mutiny in September 1998 and charged in December 1998 with the capital offense of mutiny and high treason: they were brought before courts-martial hearings in January. This is the first instance in which a court-martial prosecuted LDF soldiers for infractions against the Defense Act. The LDF continues to be the subject of a national debate on the structure, size, and role of the military. The NSS and the LPS also are undergoing comprehensive restructuring. There were allegations that the members of the security forces on occasion committed human rights abuses.

Lesotho is a landlocked country surrounded by South Africa and almost entirely dependent on its sole neighbor for trade, finance, employment, and access to the outside world. About 65,000 men, a large proportion of the adult male work force, work in mines in South Africa. Miners' remittances account for slightly over one-third of gross national product (GNP). Real GNP grew an estimated 8 percent during 1998, with inflation estimated at less than 7 percent. However, real GNP declined to negative 7 percent during the year, partly as a result of the destruction caused by the 1998 crisis. Per capita GNP was approximately \$790. State-owned organizations predominate in the agroindustrial and agribusiness sectors, but private sector activity dominates in the small manufacturing and construction sectors. The opposition protest and SADC intervention resulted in a wave of political violence and arson that destroyed nearly 80 percent of the commercial infrastructure in Maseru and other towns and villages. Thousands of jobs were lost, and many entrepreneurs went bankrupt. Hundreds of millions of dollars in losses were sustained. Under the traditional chieftainship structure, land use and tenure is controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected many of the human rights of its citizens; however, there continued to be problems in some areas. There were unconfirmed allegations of torture by security forces, and credible reports that the police, at times, used excessive force against detainees. Prison conditions are poor, and lengthy pretrial detention is a problem. There are long delays in trials; the RLMP members charged with treason in a February 1997 police mutiny have remained in the maximum security prison for 18 months without significant progress toward finishing the trials in their cases. The security forces infringed on citizens' privacy rights. Discipline within the security services was undermined severely during the 1998 crisis. Clashes with SADC forces initiated by armed opposition supporters and army mutineers in September 1998 resulted in the death of 9 members of the South African National Defense Force, 60 LDF soldiers, and more than 40 citizens allied with the opposition. A total of 33 members of the RLMP face sedition and high treason charges following their involvement in the February 1997 police mutiny, which reflected entrenched mistrust and political competition between the Government and some elements within the police force, and an uneasy institutional rivalry between

elements of the police and the army. The LDF ultimately quelled the police mutiny. This step away from active partisan engagement in politics to a more professional civil/military relationship was reversed by the junior officer mutiny in 1998, which undermined the integrity of the security forces. Domestic violence remained common, and women's rights continued to be restricted severely. Societal discrimination against the disabled is common. Government enforcement of prohibitions against child labor is lax in commercial enterprises that involve hazardous working conditions. The Government restricts some worker rights. Smugglers use the country as a transit point for trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In February 1998, police fired on a group of protesting textile workers, killing 2 persons and injuring more than 20 others (see Section 6.a.). Two police officers were arrested and held briefly for the shooting; however, they were released when no one came forward to lodge a formal complaint. Both officers were transferred from the capital to rural districts.

During the 1998 opposition palace protest, violence between protesters and police, between antagonistic political factions, and between policemen and soldiers resulted in approximately nine fatalities, including one police officer and eight civilians--four of whom were opposition supporters, and numerous injuries. These deaths were the result of gunshot wounds and fatal beatings sustained during enforcement actions and during violent clashes among political party supporters. Between September 21 and 28, 1998, nine South African soldiers were killed while suppressing the army mutiny. Over 50 LDF soldiers and 40 civilians allied with the opposition died in firefights with SADC troops. In January the LDF soldiers accused of fomenting the army mutiny were brought before a court-martial; 9 of the accused soldiers were released due to insufficient evidence, 3 were acquitted, and 38 soldiers were charged with the capital offense of mutiny and high treason. The courts-martial were ongoing at year's end.

In March the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 14 members of the LDF were arrested and charged with involvement in the killing. Four of the soldiers also are facing courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister have been delayed until the courts-martial are completed.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution expressly prohibits torture or inhuman or degrading punishment or other

treatment, and the Government generally respects these provisions; however, there were credible reports that the police at times used excessive force against detainees. Opposition leaders and defense lawyers claimed that the LDF soldiers accused of mutiny were tortured by government and prison officials, although evidence to support such allegations was not provided.

Prison conditions are poor. Prison facilities are overcrowded and in disrepair, but conditions do not threaten the health or lives of inmates. Amnesty International representatives visited the LDF soldiers accused of mutiny being held in the maximum security prison in Maseru and reported that cells were infested with insects, and there was a lack of ventilation, light, proper bedding, and adequate sanitation facilities. In January the Judge Advocate ordered prison officials to improve conditions in the cells in which the soldiers accused of mutiny were being held. As a result, the soldiers received cots and better food. Women are housed separately from men, and juveniles are housed separately from adults. Rape in prison reportedly is not a problem.

In January 50 soldiers accused of involvement in the 1998 mutiny revolted in prison. One soldier escaped, but the revolt was quelled with the use of only minimum force. In June 41 LDF soldiers revolted after prison officials refused to allow them to have food or drinks from outside the prison on the grounds that contraband goods were being smuggled into the prison. Again, the revolt was quelled with minimum force and no casualties.

Prison conditions are not monitored independently, although Amnesty International was permitted to visit the maximum security prison in Maseru in October 1998.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and there were no reports of such abuses. However, opposition leaders alleged that the Government engaged in "political victimization" by arresting their supporters for allegedly unlawful acts and punishing alleged mutinous soldiers with incarceration during the 1998 crisis. During the crisis, a number of persons were arrested for arson, looting, and possession of stolen property and unlawful firearms. Some of the persons searched and arrested were opposition supporters; however, there was no clear evidence that authorities exclusively targeted opposition supporters. The domestic legal and nongovernmental organization (NGO) communities are concerned that pretrial detainees, such as those alleged to have been involved in 1998 arson and looting incidents, can be held for long periods of time before trial; however, efforts have been made to improve the judicial administration and reduce the backlog of cases. Some persons arrested in interior districts in January for looting, arson, and possession of stolen goods in connection with the 1998 crisis, were tried and sentenced to fines or incarceration.

Members of the legal community remained concerned that 33 alleged police mutineers, who were arrested in February 1997, continued to be held without significant progress toward completion of their trials. Charges were filed against the mutineers in early 1998, but their trials were delayed until late 1998. The trials were ongoing at year's end. Government officials indicate that the trials were delayed by other priority concerns related to 1998 opposition cases in which the Government was accused of electoral fraud, and by the unanticipated departure of the Director of Public Prosecutions.

Pretrial detainees on remand form a significant portion of the prison population. Because of serious backlogs of the court caseloads, the period of pretrial remand for some suspects can last months or even years.

In 1997 the Government repealed the provisions of the Internal Security Act (ISA) of 1984 that allowed for investigative detention.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in the past, magistrates appeared to be subject at times to government and chieftainship influence. Opposition parties alleged that the High Court was biased against them in relation to cases they filed following the May 1998 elections; however, court officials indicated that the opposition cases failed to succeed due to a lack of evidence to support their claims.

The judiciary consists of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts (which exist largely in rural areas to administer customary law).

The High Court also provides procedural and substantive advice and guidance on matters of law and procedure to military tribunals; however, it does not participate in arriving at judgments. Military tribunals operating under the 1996 Defense Act have jurisdiction only over military cases, such as the trial of alleged army mutineers. Decisions by military tribunals can be appealed only to a special courts-martial appeal court, which is composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court. In January the defense lawyers for the accused army mutineers asked the judge advocate to dismiss all charges, alleging that the court-martial hearings were unconstitutional on the grounds that the proceedings were overly subject to inappropriate command influence and lacked judicial independence. The adjudication panelists were the same LDF officers who were rounded up at gunpoint during the mutiny and held incommunicado in the maximum security prison. The judge advocate denied the lawyers' request. In June upon review, the Chief Justice also denied the request, as did the Court of Appeals in October.

Persons detained or arrested in criminal cases and defendants in civil cases have the right to legal counsel; however, there is no system to provide public defenders. The Ministry of Justice and the NGO community maintain a few legal aid clinics. The authorities generally respect court decisions and rulings. There is no trial by jury. Criminal trials normally are adjudicated by a single High Court judge who presides, with two assessors serving in an advisory capacity. In civil cases, judges normally hear cases alone. The 1981 Criminal Procedures and Evidence Act, as amended in 1984, makes provision for granting bail. Bail is granted regularly and generally fairly. There is a large case backlog, which leads to lengthy delays in trials. In September 1998, a Molotov cocktail attack on the High Court destroyed case files and other important documents and further hampered the operations of the courts.

In civil courts, women and men are accorded equal rights; however, in traditional and customary courts, certain rights and privileges accorded to men are denied to women.

When traditional law and custom are invoked in a court case, a male plaintiff can opt for customary judgments by a principal chief rather than a civil court, and the judgment is binding legally. This system greatly disadvantages women.

There were no reports of political prisoners.

f. Arbitrary interference with Privacy, Family, Home, or Correspondence

Authorities infringed on citizen's privacy rights. Although search warrants are required under normal circumstances, the 1984 Internal Security Act (ISA) provides police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There are no prohibitions against monitoring telephone conversations. The security services are believed to monitor routinely telephone conversations of Basothos and foreigners, ostensibly on national security grounds. Following the 1998 opposition palace protest, police searched the homes of numerous opposition members and others for weapons and contraband.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are several independent newspapers--including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies--that routinely criticize the Government. The official state-owned or state-controlled media consist of one radio station, a 1-hour daily newscast on a local television channel, and two weekly newspapers, which all faithfully reflect official positions of the ruling party. There are four private radio stations but no private local television station. South African and global satellite television and radio broadcasts are widely available. Despite serious damage to a number of news publications caused by arson and looting in September 1998, these news organizations resumed publishing within months.

There is a lack of free access to government information, which often is described as a limitation on the free press; however, there are no other barriers that affect press coverage of government activities. In 1998 the National Press Association objected to rules established by the Independent Electoral Commission, which barred reporters from entering polling stations on election day.

The Government respects academic freedom. Although the Government owns and administers the country's only university, the academic staff represents the full political spectrum and is free to express its views.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Under a 1993 revision of the ISA, a public meeting, rally, or march no longer requires prior police permission, only advance notification. Political party meetings and rallies are held regularly and are unhindered by the Government; however, the Government did not approve an opposition protest march to commemorate

the 1-year anniversary of the 1998 crisis. The Government allowed other events related to this anniversary to take place, including religious observances.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. In addition to the LCD, the Basotholand Congress Party (BCP), and the BNP, there were nine smaller registered political parties.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are able to move freely within the country and across national boundaries. The Government places no obstacles in the way of citizens who wish to emigrate.

In September 1998, numerous serious incidents and threats to the safety of citizens by opposition supporters who carried out assaults, car-jackings, attacks on residences, and sniper attacks led thousands of foreigners and ruling LCD supporters to flee to South Africa in the weeks immediately following the SADC military intervention. The presence of SADC forces during the year helped to maintain a relative peace. Almost all citizens had returned by year's end; however, a large number of the foreigners who fled moved their residences across the border and commute to their jobs in Lesotho.

The law provides for the granting of refugee/asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed about 25 refugees registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies, but had not done so by year's end. Other than these students, there is no resident refugee population. The Government provides first asylum; however, the issue did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the first multiparty democratic elections in 1993, after more than 20 years of undemocratic authoritarian and military rule, the BCP came to power with complete control of the National Assembly. Despite its landslide electoral victory, the BCP Government was forced to contend with a number of challenges to its power, including a violent opposition destabilization campaign based on allegations that the BCP had won by fraud. These challenges culminated in August 1994 when King Letsie III unconstitutionally suspended the Parliament and installed a ruling council. Many Basotho responded by demonstrating their support for the democratically elected BCP government. Organized labor and others held two national demonstrations--"stayaways"--to express support for the ousted government, and there were numerous rallies at the National

University. As a result of both local and international pressure, the King reversed himself, and the BCP regained control of the Government.

A 1994 Memorandum of Understanding between King Letsie III and Prime Minister Dr. Ntsu Mokhehle, which was brokered by South Africa, Botswana, and Zimbabwe, called for the reinstatement of the King's father, Moshoeshoe II, who had been deposed by the previous military Government and exiled in 1990, and for measures to broaden participation in the political process. In early 1995, Moshoeshoe II was reinstated as King. In January 1996 upon the death of his father, King Letsie III was sworn in again as King. The formal coronation of King Letsie III was held in October 1997. The 1994 suspension of the Constitution by Letsie, although short-lived, highlighted the fragility of rule within the constitutional monarchy.

The 1998 crisis was similar to that of the 1993-94 post-electoral period. In both cases, opposition party members alleged electoral fraud, suborned army supporters, sought the King's involvement, and effectively overthrew the elected Government. However, in 1998 the King did not take an active role in the opposition campaign, as he did in 1994, and, based on the 1994 Memorandum of Understanding, Prime Minister Mosisili asked SADC to intervene militarily to stabilize the situation.

In the May 1998 elections, the LCD won 79 of 80 parliamentary seats. The BNP won the other seat. International observers concluded that the elections met international standards for a multiparty election and reflected the will of the voters. Despite the opposition coalition claims, the Langa Commission, composed of international observers from four southern African countries, reported no definitive findings of vote rigging or fraud. However, post-election management of electoral and polling station data was poor. Consequently, the Commission stated that the documentation was in such disarray that it could not prove that fraud had not occurred, and this encouraged the opposition to charge that errors short of fraud could have affected the results.

In October 1998, the LCD and the newly formed opposition alliance agreed to hold new elections within 2 years as a means of resolving the ongoing political crisis. Local elections, scheduled to be held late in 1998, were postponed because of the 1998 crisis. Negotiations under SADC supervision resulted in the December 1998 establishment of the Interim Political Authority (IPA) with a mandate to prepare for new elections within 18 months (i.e., in the first half of 2000). The IPA made little progress in meeting its objectives to resolve political disputes or achieve a national consensus on an electoral model. However, in November an arbitration award broke the IPA deadlock. Under the arbitration award, the Parliament is to expand from 80 to 130 seats. In the next election only, candidates will compete for 80 constituency seats and 50 proportional representation seats. Thereafter, the number of constituency seats and proportional representation seats is to be equal. National multiparty elections are not expected to be held until sometime in late 2000.

There are no legal impediments to women's participation in government or politics, but women remain underrepresented. There are 2 women in the 80-member House of Assembly and 7 women in the 33-member Senate. A woman serves as the Minister of Environment, Women, and Youth Affairs. In October the Parliament unanimously elected the first female Speaker of the House Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not hinder the activities of nongovernmental human rights groups, which operated freely and criticized the Government. The Government did not impede or object to an October 1998 Amnesty International visit to investigate human rights abuses.

Section 5 Discrimination Based on Race, Sex, Religion, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice. However, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights are restricted severely under the traditional chieftainship system.

Women

Domestic violence, including wife beating, occurs frequently. Dependable statistics are not available, but the problem is believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault. However, few domestic violence cases are brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occur frequently; however, increasingly it is considered socially unacceptable behavior. A national conference held in March 1998 on the empowerment of women noted that of 100 cases of human rights abuses, 90 percent of the victims were women who were victims of domestic violence, rape, and sexual harassment.

There were credible reports that the country is used as a transit point for trafficking in persons (see Section 6.f.).

Both law and custom under the traditional chieftainship system severely limit the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce. However, under customary law, a married woman is considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials publicly have criticized this customary practice, which discriminates against women. The tradition of paying a bride price (lobola) is common. Polygyny is practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created a Ministry of Gender Affairs.

Children

The Government has not addressed adequately children's rights and welfare, although it

has devoted substantial resources to primary and secondary education. Education is not compulsory even at the primary levels, and some 25 percent of children do not attend school, particularly in rural areas, where children are involved in subsistence activities in support of their family's welfare, or where families cannot afford the costs associated with school attendance (for example, fees for purchase of uniforms, books, and materials). The problem of school nonattendance affects boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys is a rite of passage and a prerequisite to manhood in the community.

There is no pattern of societal abuse against children, but many children work at a relatively young age (see Section 6.d.). Familial stress, poverty, the spread of HIV/Aids, and divorce have led to a rise in child homelessness and abandonment, creating a growing number of street children. There were credible reports that the country was used as a transit point for trafficking in persons (see Section 6.f).

People with Disabilities

Discrimination against physically disabled persons in employment, education, or provision of other government services is unlawful; however, societal discrimination is common. The Government has not legislated or mandated accessibility to public buildings for the disabled.

National/Racial/Ethnic Minorities

Most citizens speak a common language and share common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites are active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem.

Section 6 Worker Rights

a. The Right of Association

Under the law, workers have the right to join or form unions without prior government authorization, with the exception of civil servants. The Labor Code prohibits civil servants from joining unions. The Government regards all work by civil servants as essential. In a 1997 judgement by the High Court concerning a petition filed by the Lesotho Union of Public Servants (LUPE) against the registrar of law, the Chief Justice dismissed the LUPE's application to form a union on the grounds that it was not consistent with the Labor Code. The LUPE filed an appeal with the Appeals Court, but it had not been heard by year's end.

Under the 1993 Labor Code, prepared with the assistance of the International Labor Organization (ILO), all trade union federations require government registration. There are two small trade union federations that rarely cooperate with one another: the Lesotho Trade Union Congress and the Lesotho Federation of Democratic Unions. Unions are not affiliated formally or tied to political parties.

The labor and trade union movement is very weak and fragmented. There are several small unions in the public and industrial sectors, but there is no unified trade union

congress. There are cases of unions competitively organizing small numbers of workers in the same sector. Overall, unionized workers represent only about 10 percent of the work force. Consequently, efforts toward collective bargaining and tripartite policymaking are not amenable to strong trade union influences.

There is credible evidence that some employers inhibit union organizers from access to factory premises to organize workers or to represent them in disputes with owners or managers. There were reports that some employers harassed union organizers and intimidated members and that union activists frequently were fired (see Section 6.b.).

A large percentage of the male labor force works in the gold and coal mines of South Africa. The majority of the remainder is engaged primarily in traditional agriculture. A majority of Basotho mine workers are members of the South African National Union of Mineworkers (NUM); however, as a foreign organization, the NUM is not allowed to engage in union activities.

No legally authorized strike has occurred since independence in 1966. Civil servants generally are not allowed to strike, and all public sector industrial actions are, by definition, unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution. In February a wildcat strike took place in the textile sector. Legal protection for strikers against retribution has not always been enforced in cases of illegal strikes. Security forces violently suppressed some wildcat strikes in the textile, garment, and construction industries in 1994, 1996, and 1998. In February 1998, police fired shotguns into a group of workers protesting at a textile plant for better wages and conditions of work, killing 2 workers and injuring more than 20. Two police officers were arrested and held briefly for the shooting; however, they were released when no one came forward to lodge a formal complaint. Both officers were transferred from the capital to rural districts.

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

b. The Right to Organize and Bargain Collectively

All legally recognized trade unions in principle enjoy the right to organize and bargain collectively; however, in practice the authorities often restrict these rights. Employers usually are not cooperative in this area. Employees often are threatened with expulsion and loss of employment if they join unions. There is credible evidence that some employers in the textile and garment sector engage in the use of blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers. Although there was some collective bargaining between unions and employers to set wage and benefit rates, employers generally continued to set wage rates through unilateral action.

Lesotho has several industrial zones, in which mostly textile and apparel firms manufacture for export. All national labor laws apply in these industrial zones; however, employers in the zones do not always respect these rights in practice. Employers reportedly harassed and intimidated union organizers, and prevented them from entering

the zones. There were reports that union activists often were fired. There were also reports that many companies in the zones pay below minimum wage, enforce long hours, lock in workers until orders are finished, refuse payment for sick leave, and deduct wages when employees are found talking or take more than one break a day.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The 1987 Employment Act prohibits forced or compulsory labor, including that performed by children, and there is no credible indication that such labor is practiced. There were credible reports that the country was used as a transit point for trafficking in persons (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment in commercial or industrial enterprises is 14. However, reportedly children under 14 are employed in the textile and garment sector and in family-owned businesses. According to a 1994 study by a foreign government, as much as 15 percent of the textile work force of some 15,000 persons may be children between the ages of 12 and 15. The Ministry of Labor denies the validity of this report. The ILO was not able to confirm allegations of illegal child labor after visiting all 14 of the country's garment producers in 1994 in response to a complaint by trade unions in the textile and clothing industry.

There are statutory prohibitions against the employment of minors in commercial, industrial, or non-family enterprises involving hazardous or dangerous working conditions, but enforcement is very lax. The Ministry of Labor and Employment's Inspectorate is severely understaffed. Youths under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock herdboys are considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

In general, wages are low. The monthly minimum wage for unskilled labor is \$68 (320 maloti), and \$131 (616 maloti) for a heavy vehicle operator. Minimum wages for workers in lower skilled jobs are insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers pay more than minimum wages in an effort to attract and retain motivated employees. However, there is also reason to believe that some employers, especially in export sectors, treat the minimum wage as a maximum wage. This situation is made possible by the high levels of unemployment and underemployment, which provide a large pool of surplus unskilled labor that bids down wage rates and threatens job security for workers who make demands for better wages and conditions of work.

The Labor Code spells out basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid public holidays; however, employers do not always respect these rights in practice. There are reports of employers locking in workers until an order is finished without overtime pay and of employers refusing sick leave. Workers generally are unable to obtain an expeditious hearing in court on their complaints. The labor court has a large backlog of industrial dispute cases on the docket; there is only one labor judge to deal with cases filed as early as 1995.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury. However, in practice employers generally follow these regulations only within the wage economy in urban areas, and the Ministry of Labor and Employment enforces the regulations haphazardly. The Labor Code does not explicitly protect the right of workers to remove themselves from hazardous situations without prejudice to employment. However, Labor Code sections on safety in the workplace and dismissal imply that dismissal in such circumstances would be illegal.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were credible reports that illegal immigrant smugglers, primarily from South and East Asia, take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. It is not clear to what extent these organizations are recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It is suspected that most of the persons who are moved by these criminal organizations are primarily economic immigrants seeking employment in North Atlantic countries. There is no evidence of forced or bonded labor or servitude in the country resulting from these activities.

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