



Lesotho

Country Reports on Human Rights Practices - [2007](#)

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Lesotho is a constitutional monarchy with a population of 1.8 million. 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. In February the governing Lesotho Congress for Democracy (LCD) party won reelection; domestic and international observers characterized the election as free and peaceful, but other observers felt it was not entirely fair due to the complicated manner of allocating parliamentary seats. While civilian authorities generally maintained effective control of the security forces, some members of those forces committed human rights abuses.

The government generally respected the human rights of its citizens. However, the government's human rights record deteriorated for a brief period mid-year due to the government's response to violent attacks on senior government and political figures, during which security forces committed serious abuses, including unlawful deprivation of life, torture, and use of excessive force. Prison conditions were poor, security forces arbitrarily detained persons, and official impunity was a problem. Lengthy pretrial detention, long delays in trials, and restrictions on press freedom occurred. Widespread domestic violence, restrictions on women's rights, societal discrimination against women and persons with disabilities or HIV/AIDS, and child labor were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year the government or its agents did not commit any politically motivated killings; however, security forces killed several persons, particularly during security operations in the wake of June attacks by unknown gunmen on the residences of prominent government and political leaders.

For example, on July 19, security forces shot and killed Setsoto Ranthimo during a security operation. Police claimed that Ranthimo was killed during a firefight with police officers; however, family members and witnesses charged that police lured Ranthimo into a trap, that he was unarmed, and that police were responsible for the multiple gunshot wounds he suffered. The family subsequently contracted a South African doctor to perform an autopsy, but police reportedly did not permit the autopsy and forced the physician to leave the country. The family threatened legal action after a government-retained private doctor performed an autopsy. No formal reports were issued. The family had not taken any legal action by year's end. A police spokesperson indicated the matter was still under investigation at year's end.

There were no further developments in the Sekhonyana killing case. In June 2006 unknown persons killed Bereng Sekhonyana, a member of parliament from the opposition Basotho National Party (BNP).

According to the police commander for the Maseru Urban Region, the two Maseru city council security guards, charged with two counts of killing pedestrians in August 2006, remained in prison at year's end pending a hearing of their case.

Unlike in the previous year, there were no deaths in custody reported during the year.

The police reported that some deaths had taken place in traditional initiation schools. In one incident, a head teacher was killed by students, and in another a group of students beat another student to death. Police investigations were impeded due to the secret nature of initiation schools.

b. Disappearance

There were no reports of politically motivated disappearances (see section 1.c.).

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

The constitution and law expressly prohibit such practices; however, there were credible reports that security forces arbitrarily detained, tortured, and abused persons during security operations following the June attacks by unknown gunmen on official residences, from which military weapons also were stolen.

Between June 18 and 25, members of the Lesotho Defense Force (LDF) Special Forces Commando Unit, wearing ski masks, arbitrarily arrested and detained Mottalentoa Kopo (a former LDF brigadier general), Elias Motlomelo (a businessman), Makotoko Lerotholi (a former LDF soldier), and Thabo Thantsi (another former soldier) following attacks on government ministers. On June 29, Thantsi informed private radio station Harvest FM in South Africa that he had escaped Makoanyane Military Hospital, following alleged torture by the LDF.

On July 2, Lerotholi, whose wife won a case in the High Court petitioning for his release, resurfaced at Makoanyane Military Hospital with severe injuries. On July 7, the LDF released Lerotholi and Motlomelo, who also claimed to have been tortured at the hospital. Kopo, who claimed no mistreatment, had been detained on June 18 and released the next day. All four men were held in secret and incommunicado. The men said they were interrogated about their connections to the opposition All Basotho Convention (ABC) party. Three other members of the LDF--Major Ramabele Mokhants'o, Captain Lehloa Ramots'o, and Corporal Paul Majalle--also claimed to have been tortured during the same time period at Makoanyane Military Hospital. Backing the charges of Lerotholi, Thantsi, and Motlomelo, the three LDF members asserted that security personnel beat and blindfolded them, handcuffed their hands and legs together, and regularly suffocated them with a rubber tube. Lerotholi and Motlomelo said security personnel pulled their genitals to inflict severe pain. On July 19, the local newspaper *Public Eye* printed pictures of injuries inflicted on the six men.

Lerotholi and Thantsi accused the following LDF officers of participation in their torture at Makoanyane Military Hospital: Lieutenant Colonel Kamoli, Lieutenant Colonel Mokaloba, Second Lieutenant Julius Ralets'ela, and retired soldier Salemane Petlane. Identified as complicit in their torture were Private Mokone, Private Koali, Sergeant Ramots'ekhoane, Sergeant Mahlala, Lieutenant Ramoepane, and Lieutenant Mochesane.

Lieutenant Colonel Tlali Kamoli, head of Military Intelligence, and Brigade Commander Brigadier Maaparankoe Mahao admitted in separate July interviews with the *Public Eye* that members of the LDF Special Forces Commando Unit had detained the four men, three of whom were subsequently charged with coup plotting, participation in the June attacks on ministerial residences, and treason. The LDF later recovered most of the military weapons stolen from bodyguards at ministerial residences, but had not officially linked the weapons to Lerotholi, Motlomelo, and Thantsi, who were scheduled to reappear in court on October 8; however, the three fled to South Africa where the South African government granted them temporary political asylum.

In another case, on August 2, three men from Maseru District--Bohlajana Mokitimi of Ha Moruthani, Sekapa Potiane of Matsieng, and Thapelo Bulane of Qoaling--filed complaints against the Lesotho Mounted Police Service (LMPS), alleging assault, unlawful detention, and theft. The three men, who were street vendors accused by police of selling marijuana, alleged that on August 2, they were marched four kilometers (2.5 miles) to the Central Police Station, during which time police forced them to squat with their hands tied behind their backs and kicked them while forcing the men to perform "frog jumps." The three also accused the policemen of stealing their money. A police spokesperson indicated that an investigation was underway and pledged disciplinary action should the police officers be found guilty of abuse. The matter was still under investigation at year's end.

Following the June 2006 assassination of opposition member of parliament Bereng Sekhonyana, three female BNP members--Mapelesa Moseitse, Karabelo Ratlali, and Mafauli Fauli--reportedly claimed they were tortured and verbally abused by male policemen investigating the case. The BNP later repeated the charge at a press conference held by the party's leadership. Lawyers for the BNP filed charges against the police, and the case was pending in court at year's end.

According to the Human Rights Unit in the Ministry of Justice and Human Rights, 15 of the 17 complaints filed in 2005 by citizens against the police for human rights abuses were resolved; the other two cases were withdrawn and referred to the Police Complaints and Discipline Division.

Prison and Detention Center Conditions

Prison conditions were poor, and facilities were overcrowded and in disrepair. Sanitation and nutrition were poor, although some recent improvements were made, and there was a lack of bedding. Prisoners received free medical care from government hospitals, and all prisons had a nurse to attend to minor illnesses. Some correctional facilities owned ambulances to transport inmates for emergency medical care.

On August 2, the Office of the Ombudsman, an independent governmental oversight body, presented to the Quthing

district administrator's office a report on the district's correctional facilities. The ombudsman, Sekara Mafisa, noted that inmates accused 11 correctional officers of physical abuse including the use of harsh abrasives on their skin to remove tattoos. The report stated that the accused officers failed to demonstrate their innocence in the mistreatment of inmates. Ombudsman Mafisa urged the district administrator to take disciplinary action. No action was taken by year's end.

The law provides that pretrial detainees and convicted prisoners be held in separate facilities; however, pretrial detainees were held with convicted prisoners. Security and military prisoners were held in a separate facility.

Prison regulations provide for visiting committees made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees are authorized to visit any prison without the prior knowledge of the prison director, and generally were allowed to do so. The committees reported their findings to the prison director as well as the general public.

International human rights groups were permitted to monitor prison conditions. During the year an intersectoral committee composed of government officials and the Lesotho Red Cross visited a number of correctional facilities to evaluate the level of professional training and activities available for inmates. The committee concluded that the inmates received satisfactory professional training and guidance.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the LDF, which only has the authority to detain military personnel, arbitrarily detained and tortured civilians and military personnel during the year in response to attacks in June on senior government and political figures (see section 1.c.)

Role of the Police and Security Apparatus

The security forces consist of the LDF, LMPS, and the National Security Service (NSS). The prime minister is the minister of defense and national security, with direct authority over the LDF and the NSS. The police force is under the Ministry of Home Affairs and Public Safety.

The LMPS is nationally managed. The country is divided into three police regions, which are further divided into districts. An assistant commissioner of police heads each region; senior superintendents head the districts. A shortage of resources limited the LMPS's effectiveness.

Unlike in the previous year, there were no reports that police were involved in armed robbery.

Corruption was a problem, but the government took law enforcement action. Police authorities confirmed allegations that some police officers solicited bribes to overlook traffic and other offenses.

Impunity was a problem, and the process of enforcing police accountability was slow, but internal affairs organs prosecuted some members of the security forces. More serious offenses such as murder are sent to the High Court via the Office of the Director of Public Prosecutions.

During the year the LMPS accused Police Superintendent Keletso Ramoetsi of soliciting a bribe of \$140 (1,000 maloti) from a local woman. The woman informed the police, who caught Ramoetsi accepting the bribe in a sting operation. Ramoetsi was suspended and was scheduled to hear charges against him in January 2008.

The LMPS also suspended Deputy Police Commissioner Bernard Ntaote after accusing him of filing fraudulent per diem claims and stealing meat from the Police Training College cafeteria. A criminal court was scheduled to hear his case in April 2008.

The LMPS Inspectorate, Complaints and Discipline Unit reported that it was investigating complaints of three cases of unlawful detention, 21 cases of assault, 45 allegations of failures to investigate crimes, five complaints of theft of evidence, and 61 allegations of poor police discipline between January and August. Of these 135 complaints, 27 cases were closed and 108 were pending. In the 27 closed cases, 11 police officers were found guilty; some officers were suspended without pay or fined. Disciplinary action could take the form of fines, suspension, demotion, or dismissal from the service.

The Police Complaint Authority (PCA) is an independent oversight body that monitors police behavior and addresses grievances against the police. However, current legislation does not grant the body powers of search and seizure or the authority to summon police officers. Also, local nongovernmental organizations (NGOs) have complained that the PCA's inability to initiate cases based on public complaints limited its effectiveness. Currently, cases were initiated only at the request of the minister of home affairs and public safety.

During the year the PCA received 31 complaints involving assault and torture, murder and attempted murder, and poor service delivery by the police. Seven cases were completed, and the PCA sent recommendations to the Ministry of Home Affairs and Public Safety for action. The rest were under investigation at year's end.

Arrest and Detention

The law requires police to obtain a warrant prior to making an arrest. Suspects must be informed of charges within 48 hours, and their families must be notified of any detention. The law allows family members to visit inmates. However, in practice the police did not always comply with these provisions. The law provides for granting bail, which the authorities granted regularly and in general fairly. Defendants have the right to legal counsel. The Legal Aid Division, under the Ministry of Justice and Human Rights, offered free legal assistance, but a severe lack of resources hampered the division's ability to be effective. NGOs maintained a few legal aid clinics.

On July 7, shortly after a high court judge ordered the immediate release of five men (including three army personnel) from police and/or military custody or detention, an LDF military police unit re-arrested and detained the three army personnel, Major Ramabele Mokhants'o, Captain Lehloa Ramots'o, and Corporal Paul Majalle, in connection with attacks on government residences. A large mob, which had gathered at the police station, reacted angrily by pelting LDF vehicles with rocks as they sped away. Bystanders also blocked some of the main streets with burning trash and tires. The other two men were Makotoko Lerotholi, a former LDF soldier, and Elias Motlomelo, a businessman. Lerotholi and Motlomelo managed to flee to South Africa where they were granted temporary asylum. The three army personnel were freed by the military after charges of high treason were dismissed by the High Court. The military later charged the three soldiers with other offenses, including dereliction of duty, insubordination, and physically abusing citizens at security checkpoints during the police curfew.

In her July 7 ruling, the judge, Maseforo Mahase, found that the military had arrested the men illegally and without providing any reason.

Pretrial detainees constituted 16 percent of the prison population. Pretrial detention could last months or even years. The backlog was due to lack of resources, delay tactics by defense counsel, and unavailability of legal counsel.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the judiciary was generally independent in practice. However, the judiciary was inefficient, and there was a large case backlog, which resulted in delayed trials. Judicial corruption, although not systematic, was a problem. The arrest of senior police officers and senior civil servants demonstrated the existence of corruption as well as the government's efforts to combat it.

Principal Secretary for the Ministry of Justice and Human Rights Pontso Lebotsa was arrested for fraud by the Directorate on Corruption and Economic Offenses. She was awaiting notice of her trial date at year's end.

The High Court ruled against the government several times during the year in cases involving the right of assembly. For example, on June 9, the High Court ruled in favor of Harvest FM, a private radio station frequently at odds with the government, in its bid to overturn the Ministry of Tourism's decision to deny the station's request to rent the National Convention Center for its fourth-year anniversary celebration.

The judiciary consists of the Court of Appeal, the High Court, magistrates' courts, and traditional courts, which exist chiefly in rural areas to administer customary law. The High Court also provides guidance on law and procedure to military tribunals; however, it does not participate in adjudication. A single high court judge normally adjudicated criminal trials with two assessors who serve in an advisory capacity. The authorities generally respected court decisions and rulings.

Military tribunals have jurisdiction over military cases only. Tribunal decisions can be appealed only to a special court--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. Military tribunals provide the same rights as civil criminal courts. Military tribunals can not try civilians.

There are also specialized courts. The Labor Court is a civil court with jurisdiction in labor, employment, and certain human rights matters when they intersect with labor law. The Judicial Commissioner's Court brings in foreign magistrates as appropriate for cases requiring a high level of subject-matter specialization.

Trial Procedures

There is no trial by jury. Trials are public, but in civil cases judges normally hear cases alone. Defendants have the right to legal counsel; however, government sources stated that in the magistrates' courts, some accused persons were not advised of their right to legal representation. Free legal counsel was available, either from the state or a legal NGO.

Defendants have the right to be present at their trials, and can confront and question witnesses against them and present witnesses on their own behalf. A defendant may either be held or released on bail until sentenced. Defendants are presumed innocent and have the right to appeal. Defendants have the right to access unclassified government evidence during a trial.

In civil and criminal courts, women and men are accorded equal rights. The 2006 Legal Capacity of Married Persons Act effectively eliminated de jure discrimination against women in the customary law system; however, in practice some women were still disadvantaged under this system, particularly in matters of inheritance and custody rights. When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgment by a principal chief rather than a civil court, and the judgment would be legally binding. Women could opt for the same, since the 2006 act went into effect, depending on the jurisdiction of the presiding principal chief (who serves as court president). If the chief does not have proper jurisdiction, the matter is referred to a higher court--usually the Judicial Commissioner's Court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary with jurisdiction over civil matters. Citizens can freely access the court system to file lawsuits seeking cessation of human rights violations or a recovery of damages resulting from such acts. Some administrative remedies are available from the Labor Court, as stipulated by the Public Services Act. Judicial remedies for such wrongs are addressed in the constitution. However, government failure to produce evidence in court and to sequester witnesses, especially in high-profile cases, were obstacles to the enforcement of domestic court orders.

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

The constitution and law do not fully protect citizens' privacy rights; however, the constitution states that "every person shall be entitled to respect for his private and family life and his home." Although search warrants were required under normal circumstances, the law provides police with wide powers to stop and search persons and vehicles and enter homes and other places without a warrant. According to the Criminal Procedure and Evidence Act of 1981 any police officer of the rank of inspector and above can conduct a search without a warrant.

On the evening of July 24, the LMPS searched the home of High Court Justice Maseforo Mahase, who recently had issued two rulings against the government. The police obtained a search warrant from the chief justice. However, there was internal dissent from other high court judges regarding the warrant. The search was officially part of an investigation of Justice Mahase's estranged husband.

During security operations to recover the military weapons stolen in June, police searched some homes without warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government detained and harassed journalists during the year. Many journalists practiced self-censorship to avoid libel suits or problems with their editors. Private individuals could criticize the government without reprisal.

Several independent newspapers routinely criticized the government. There were seven private radio stations but no private television station. The media was free to criticize the government, but risked being sued for slander or libel. State-

owned or state-controlled media consisted of two radio stations, a television station, and two weekly newspapers. All reflected positions of the ruling party. South African and global satellite television and radio broadcasts were widely available.

The government briefly detained and interrogated radio and newspaper journalists following the June 22 attacks on ministerial residences; however, journalists were not directly threatened as they were in the previous year.

For example, on June 22, police arrested Thabo Thakalekoala, a presenter on radio station Harvest FM and a correspondent for Voice of America and the British Broadcasting Corporation. He was arrested after his reading on the air of a letter criticizing the prime minister and accusing the ruling political elite of numerous acts of corruption. Thakalekoala stated that a group of unknown gunmen had approached him the previous night and demanded that he read the letter on the popular current affairs morning program "Rise and Shine." Police detained Thakalekoala for 48 hours before charging

him with high treason and releasing him. The charge was later reduced to sedition. On June 29, the Lesotho Chapter of the Media Institute of Southern Africa conducted a protest march and presented a petition to the Prime Minister's Office that urged the government to drop charges against Thakalekoala. Thakalekoala's trial was scheduled for mid-2008.

In November Pastor Adam Lekhoaba won his case for citizenship, filed in June with the High Court, in which he claimed he was a citizen of Lesotho. Lekhoaba returned to Lesotho and resumed his work at radio station Harvest FM. The Ministry of Home Affairs and Public Safety had declared the controversial radio presenter to be a foreign citizen illegally present in the country and had deported him to South Africa.

On September 5, the leader of the Marematlou Freedom Party, Vincent Malebo, and the leader of the Lesotho Workers Party, Billy Macaefa, received a summons from the director of public prosecutions requesting them to appear before the Maseru Magistrate Court on September 11, on charges of contempt of court. The case was later rescheduled to March 2008.

Government ministers and other officials initiated libel and defamation suits against members of the independent media, some of which led to out-of-court settlements. Unlike in the previous year, no newspapers closed as a result of financial pressure imposed by libel suits.

Unlike during the previous year, journalists did not receive direct threats. However, the Ministry of Communications shut down the transmitter of People's Choice FM radio during a strike called by the opposition on December 11 and 12.

In early 2007 the editor of *Public Eye* appeared in court. Court officials confirmed that no charges were brought against the publication, and the matter was dropped. In September 2006 the High Court had summoned the chief reporter of *Public Eye* to appear on contempt charges following his newspaper's reports on a controversial scheme through which high-level government officials and judges obtained luxury cars at a fraction of their market value.

In February 2006 the prime minister and two other cabinet ministers filed a suit against three former members of the LCD party for crimea injuria (legally defined as impairing an individual's dignity, a criminal offense). The officials accused the three former party members of distributing leaflets accusing the prime minister of despotic tendencies and adultery. The court heard the case, after earlier delays, in October. One of the accused was acquitted, while the other two were fined and ordered to apologize to the plaintiffs.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals or groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was not widely available, due to a lack of information infrastructure, the government's position as monopoly carrier, and the high cost of access, which was almost nonexistent in rural areas.

Academic Freedom and Cultural Events

Faculty at the National University of Lesotho reported that several professors faced disciplinary action for airing antigovernment views. The university administration accused faculty members of behavior which brought the institution into disrepute. Other reports indicated that some students were penalized for criticizing the government.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association; however, the government sometimes restricted these rights.

For example, in July the major opposition parties organized a march to protest alleged civil rights abuses. On July 4, Minister of Communications Mothojoa Metsing declared on state radio and television that police had not issued a permit, that the upcoming march was therefore illegal, and that persons should not participate. The LMPS, however, subsequently issued a permit for the July 5 march, which went ahead peacefully under police escort.

On June 9, Harvest FM won a case against the government concerning rental of the state-owned National Convention Center. A high court judge overturned the Ministry of Tourism decision to deny the station the right to rent the convention center to celebrate its fourth anniversary.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right.

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups.

There was a very small Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

However, in response to the June attacks on official residences, the government imposed a two-week curfew and installed temporary security checkpoints around Maseru.

The constitution and law prohibit forced exile, and the government did not use it.

Protection of Refugees

The laws provide for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system to provide protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. The government continued to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage.

Elections and Political Participation

In February the LCD party won reelection, claiming 61 of 80 constituency-based seats in the National Assembly; domestic and international observers characterized the election as free and peaceful, but some political observers felt it was not entirely fair due to the complicated manner of allocating parliamentary seats. Through a preelection alliance with the National Independent Party, the LCD controlled a further 21 out of 40 proportional representation seats, bringing its majority to 82 out of a total of 120 seats. The largest opposition party, the ABC, won 17 constituency-based seats and gained a further 10 proportional seats through its alliance with the Lesotho Workers Party.

The allocation of proportional seats remained contentious, and governing and opposition parties agreed that outside experts should evaluate the country's mixed member proportional parliamentary system. In May the government invited the Southern African Development Community to mediate the political impasse, an effort led by former president of Botswana Ketumile Masire, who made several mid-year visits.

Prior to the February polling, the chairman of the Independent Election Commission stated that problems existed in equal distribution of public media airtime between governing and opposition parties.

In March the nation's five largest opposition parties joined together in an effort for the speaker of parliament to recognize ABC Leader Thomas Thabane as an official opposition leader—a position with some benefits under the constitution. The speaker refused to give Thabane this designation by not recognizing the legitimacy of the agreement between the opposition parties.

Approximately 98.5 percent of the population was Basotho. There were no members of minorities in the National Assembly, the Senate, or the cabinet.

A provision in the constitution requires that members of parliament possess the physical faculty of speech; however, this provision was not enforced.

Government Corruption and Transparency

There were isolated reports of government corruption during the year. The World Bank's most recent Worldwide Governance Indicators reflected that there was a corruption problem.

The government justified a plan to sell government-owned vehicles to high-ranking officials at low prices as a necessary measure to retain top officials. Under the plan, government ministers, the speaker of parliament, judges, and the attorney general purchased \$55,000 (396,000 maloti) Mercedes Benz E 240 sedans for approximately \$500 (3,600 maloti). Principal secretaries, the ombudsman, the director of public prosecutions (DPP), and heads of security forces purchased \$40,000 (288,000 maloti) Toyota Camry sedans for \$360 (2,590 maloti). The Directorate on Corruption and Economic Offenses, the country's primary anticorruption organ, recommended that the DPP, a beneficiary of the plan, prosecute; however, the DPP declined, stating that the vehicles were sold legally. The acquisition of official vehicles for private use by the ruling elite was still a subject of public criticism.

Opposition parties have accused the government of nepotism. Members of Prime Minister Mosisili's immediate and extended family occupied high positions in government. Relatives of some ministers were also given key positions both in and out of government. Public and media reaction was swift and critical of the close family relationships of some cabinet members.

Although there are no laws providing for access to government information, and access to government information was incomplete, Web sites of government ministries, parastatal companies, and private organizations provided some information on governmental activities. During the year researchers at the Institute of Southern African Studies complained of lack of access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

An independent Office of the Ombudsman exists to protect citizens against infringement of their rights by public and private sector organizations. The Office of the Ombudsman appeared to function without undue governmental or political interference. The ombudsman was constrained by a shortage of staff, financing, and equipment. The ombudsman intervened in issues such as requests for release of unlawfully withheld salaries; reinstatement of employees illegally suspended from their jobs; compensation for persons relocated to new areas in connection with Lesotho Highland Water Project activities; and compensation for and repair of houses in communities close to large-scale development projects.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, color, sex, language, political or other opinion, national or social origin, birth, or other status; however, the constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights were severely restricted under this system.

Women

The law prohibits rape, including spousal rape, and mandates a minimum sentence of five years' imprisonment, with no option for a fine. The rape of young children, older girls, and women was common. Courts heard a number of rape and attempted rape cases, and sentences were imposed and carried out. There were numerous cases of rape involving very young girls as a result of the belief among some men that intercourse with a virgin could cure HIV infections. Although there were convictions in several cases, sentences tended to be minimal. The organizations involved in combating the problem included the Gender and Child Protection Units (GCPU) of the LMPS, the NGO Lesotho Child Counseling Unit (LCCU), and other NGOs. Their activities included teaching young persons and parents how to report such offenses and how to access victims' services.

Although dependable statistics were unavailable, domestic violence against women was believed to be widespread. Domestic violence or spousal abuse is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. The law does not mandate specific penalties; however, an offender can be cautioned and released, given a suspended sentence, fined, or imprisoned. Punishment depends on the severity of the assault, and judges have a wide degree of discretion in sentencing. Such behavior was increasingly considered socially unacceptable due to advocacy and awareness programs of the GCPU, the Federation of Women Lawyers, the LCCU, other NGOs, and broadcast and print media campaigns.

The law does not address prostitution, and it was a problem, although accurate statistics were unavailable.

The law does not specifically prohibit sexual harassment, which was believed to be widespread.

Despite 2006 passage of the Legal Capacity of Married Persons Act, which eliminates de jure discrimination against married women under common law, traditional law and custom limited the rights of women in areas such as property rights, inheritance, and contracts. Under the dual legal system, women have the legal and customary right to make a will and sue for divorce; however, under traditional law, a married woman was considered a minor during the lifetime of her husband and could not enter into legally binding contracts without her husband's consent. Since passage of the new law, the rights of women have substantively improved. Married women can obtain loans without the consent of their husbands and enjoy full economic rights under the law. However, the law does not provide for women's inheritance and custody rights. A woman married under customary law has no standing in civil court unless she has her marriage legalized in the civil system. Government officials publicly criticized customary practice regarding marriage.

The tradition of paying a bride price ("lobola") was frequently observed. There was no evidence that lobola contributed to abuses against women's rights. Lobola, if not paid to the bride's family, allows the family the right to end a marriage and the right to challenge custody of any offspring. Polygyny was practiced by a small minority.

Women were not discriminated against in access to employment, credit, or pay for substantially similar work.

Women's rights organizations took a leading role in educating women about their rights under traditional and formal law, highlighting the importance of women participating in the democratic process. The Ministry of Gender, Youth, Sports, and Recreation funded efforts by women's groups to sensitize society to respect the status and rights of women.

There were 30 women in the 120-member National Assembly and nine women in the 33-member Senate. The speaker of the National Assembly, six of 19 government ministers, three of six assistant ministers, four of 10 judges on the High Court, and the commissioner of police were women.

Children

The law provides for the protection of children; however, limited resources hampered the government's ability to fully enforce the law.

By law education was universal and as of 2006, tuition-free through the seventh grade; however, it was not compulsory, even at primary levels. A substantial number of children did not attend school, particularly those in rural areas where there were few schools; those involved in subsistence activities to help support their families; or those whose families could not afford fees for the purchase of uniforms, books, and school materials. During 2006, according to UNICEF, the number of children attending primary school increased to 81 percent of boys and 86 percent of girls. More boys failed to attend school than girls due to the tradition of livestock herding by young boys. In the latest available statistics based on 2005 polling, 54,931 orphans, over 30 percent of the orphan population, did not attend school.

Boys and girls had equal access to government-provided health care.

Child abuse was a common problem, especially for children orphaned by HIV/AIDS. There were few official reports or statistics.

Child prostitution was also a problem. According to media reports, young girls and boys, many of whom were orphans, moved to urban areas to engage in prostitution. A 2001 UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial activity, and that the financial arrangements were casual and not the product of organized criminal syndicates. However, UNICEF and the government agreed that while the numbers remained small, the more recent trend toward commercial prostitution by children was a growing problem. There was little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

During the year the news media frequently published reports of violence at traditional initiation schools, attended mainly by rural youth. While the activities of these initiation schools were kept secret, violence against students, teachers, and members of surrounding communities was common.

Familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating numerous street children and an estimated 100,000 to 200,000 families headed by children. Street children were hampered by lack of access to government services, such as medical care and schooling, and were not informed about their rights to such services.

The GCPU had branches in all 10 districts, but lack of resources restricted their ability to be effective. The GCPU dealt with sexual and physical abuse, neglected and abandoned children, and protection of property rights of orphaned children.

Trafficking in Persons

Neither formal nor traditional law addresses trafficking in persons, and there were reports that persons were trafficked to, from, and within the country; however, there were no official statistics on trafficking. Police can charge persons suspected of trafficking under the labor code, the Child Protection Act of 1980, and kidnapping statutes contained in the constitution. The Ministry of Home Affairs and Public Safety and the GCPU are responsible for monitoring trafficking. Although there is no specific legislation on trafficking, the Ministry of Health and Social Welfare, some NGOs, and the police continued to offer assistance to suspected victims of trafficking.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, or provision of other government services, and the government enforced these laws within its limited ability. Although societal discrimination was common, the tradition of hiding disabled children from the public was no longer commonly accepted. The Association of the Disabled actively promoted the rights and needs of disabled persons.

Laws and regulations stipulate that persons with disabilities have access to public buildings, and such buildings completed after 1995 generally complied with the law. The election law provides for assisted voting for persons with disabilities.

National/Racial/Ethnic Minorities

Minorities constituted less than 2 percent of the population. There were small groups of ethnic Indians, Europeans, Chinese, and mixed-race persons. Economic and racial tension between the Chinese business community and the Basotho remained a problem.

Other Societal Abuses and Discrimination

There continued to be reports that children orphaned by AIDS, persons with AIDS, and their immediate families were ostracized.

The law prohibits discrimination in the workplace on the basis of HIV/AIDS status. The law does not address sexual orientation, and general discrimination against homosexuals was present in the workplace.

In June 2006 parliament amended the labor code to include an HIV/AIDS workplace policy. Each government ministry or department provided subsidized medicine and food to its employees with HIV/AIDS, and such assistance was available to all citizens at subsidized prices at all government hospitals.

LDF policy states if a soldier is found to be HIV positive after induction, he is not retired or separated. The soldier is provided counseling and testing, and his duties are adapted as appropriate.

Section 6 Worker Rights

a. The Right of Association

Under the law workers have the right to join and form trade unions without prior authorization and without excessive bureaucratic requirements. Workers exercised this right in practice. The law prohibits civil servants and police from joining or forming unions, but allows them to form staff associations. All trade unions must register with the registrar of trade unions.

Both locally and foreign-owned businesses still lacked a full understanding of the labor code's provision regarding the right to form labor unions.

The labor court stated there were 13 functional trade unions with a combined membership of 25,411. The ministry indicated that 25 trade unions had been deregistered as a result of their failure to submit annual reports.

A majority of Basotho mineworkers were members of the South African National Union of Mine Workers (NUM). While NUM, as a foreign organization, was not allowed to engage in most union activities in the country, it provided training, developed agricultural projects, and performed other social services for retrenched mine workers and families of deceased miners.

From January to August the labor court reported that there were 530 cases filed alleging unfair labor practices and 216 cases filed petitioning for enforcement of resolutions by the Directorate of Dispute Prevention and Resolution.

The law prohibits antiunion discrimination, and the government generally enforced this prohibition. Unlike in previous

years, there were no reports that employers harassed union organizers, intimidated members, or fired union activists.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government generally protected this right. Collective bargaining is protected by law and freely practiced. The law provides for a limited right to strike; however, civil servants are not allowed to strike and, by definition, all public sector industrial actions are unauthorized. In the private sector, the labor code requires a series of procedures to be followed by workers and employers before a strike action is authorized. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits compulsory labor, including by children; however, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code contains statutory prohibitions against the employment of minors in commercial, industrial, or other nonfamily enterprises involving hazardous or dangerous working conditions. The government effectively enforced these statutes. However, child labor was a problem in informal and agricultural sectors, which child labor laws do not cover, and the government had no mechanism for inspection for those sectors. The legal minimum age for employment in commercial or industrial enterprises is 15 years, or 18 years for hazardous employment. Children under 18 may not be recruited for employment outside the country.

Many urban street children worked in the informal sector. Most jobs performed by children were often gender-specific: boys as young as five years of age were livestock herders, carried packages for shoppers, washed cars and collected fares for minibus taxis; girls were domestic servants; teenage girls were domestic servants; teenage girls (and a few boys) were involved in prostitution; and both boys and girls worked as street vendors.

In traditional rural society rigorous and occasionally dangerous working conditions for young herd boys were considered a prerequisite to manhood, essential to livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The Ministry of Employment and Labor is responsible for investigating child labor allegations. There were no child or forced labor cases reported.

e. Acceptable Conditions of Work

The national minimum wage for lower-skilled jobs such as domestic workers is \$36 (252 maloti) per month. This wage did not provide a decent standard of living for a worker and family. The Ministry of Employment and Labor amended the Labor Code Minimum Wage Schedule, effective October 1. Textile machine operator trainees thereafter earned approximately \$98 (686 maloti) per month and textile general workers \$105 (738 maloti) per month. Many wage earners supplemented their income through subsistence agriculture or remittances from relatives in South Africa, although remittances have declined.

The law provides for basic labor standards, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick leave and public holidays; however, these regulations exclude the informal and agricultural sectors. Employers did not always enforce these standards in practice. Required overtime was legal as long as overtime wages were paid for work in excess of the standard 45-hour workweek. According to the commissioner of labor, employers in the retail sector were the worst violators of the law. Some employers in the apparel and textile sectors reportedly also violated the labor code. The most common allegations involved labor regulations mandating ordinary hours of work, overtime, and public holidays. Health and safety violations were also common in locally-owned establishments. Many locally-owned businesses did not keep records of employees' salaries to facilitate labor inspections as required by law.

The law requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner to minimize the risk of injury; employers generally followed these regulations. The labor code also empowers the Ministry of Employment and Labor to issue regulations pertaining to work safety in specific areas, and the ministry has exercised this right. The labor code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, sections of the code on safety in the workplace and dismissal imply that such a dismissal would be illegal.

The law also provides for a compensation system for industrial injuries and diseases related to employment. The commissioner of labor is charged with investigating allegations of labor law violations. Labor inspectors generally conducted unannounced inspections of a random sample of workplaces on a weekly basis. Inspections in mountain districts, however, were done on a quarterly basis.

The government and private sector implemented voluntary HIV/AIDS counseling and testing programs in line with Labor Code Act Number 5, passed in June, which strengthened existing programs. The Labor Code Amendment Act of 2006 provides for the further development of HIV/AIDS policies in the work place. The Ministry of Labor and Employment has an HIV/AIDS Support Group which carried out campaigns for the implementation of the labor code. The Support Group also provides testing and counseling services to employees in the private sector living with HIV/AIDS. The target sectors were security companies, construction, and transport. Thirty-seven private sector companies had developed policies on HIV/AIDS.



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