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Lesotho

Country Reports on Human Rights Practices - [2005](#)

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Lesotho is a constitutional monarchy with a population of approximately two million. Under the constitution, the king is head of state, fills a ceremonial role, has no executive authority, and does not actively take part in political initiatives. In 2002 Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, won re-election, and the LCD won 79 of 80 constituency-based seats. The country held local government elections on April 30. Observers, including the Commonwealth, various resident diplomatic missions, and local NGOs judged the elections to be free, fair, and without violence. While civilian authorities generally maintained effective control of security forces, some members of the security forces committed human rights abuses.

The government generally respected the human rights of its citizens; however, the following human rights problems were reported:

- allegations of torture by security forces
- excessive force against detainees
- impunity
- poor prison conditions
- lengthy pretrial detention and long delays in trials
- regular occurrence of domestic violence
- severe restrictions on women's rights
- societal discrimination against persons with disabilities and HIV/AIDS
- child labor in the agriculture and informal sectors

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. There were two deaths in custody reported during the year (see section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law expressly prohibits such practices; however, there were allegations that security forces tortured persons and credible reports that the police at times used excessive force. According to the Human Rights Unit at the Ministry of Justice and Human Rights, there were 17 cases of human rights abuses by the police filed from January to December. Dates were set to hear the cases in 2006.

On July 13, the Lesotho News Agency (LENA) reported that farmers and residents killed a police officer in the Sehlabathebe district, while the officer was trying to protect a suspect accused of livestock theft. According to the LENA report, the police officers rounded up several suspects from the village and physically abused them. The Ministry of Home Affairs referred this case to the Police Complaints Authority (PCA), and in December the PCA submitted their report to the Minister of Home Affairs (who has authority over the police). No further action had been taken by year's end.

The July 22 edition of *Public Eye* reported police allegedly physically abused three men in the town of Roma after their arrest on suspicion of stealing property. Although the three men did not lodge a complaint, a relative reported the matter to the PCA. The Roma police denied the assault, and the PCA did not conduct an investigation since there was no complaint.

The Lesotho Mounted Police Service (LMPS) Complaints and Discipline Section revealed that it received 11 complaints of physical abuse and negligence of duty by the police from January to December. Two of the claims were later declared false; while the remaining nine cases were under investigation at year's end.

In 2003 Theko Lerotholi, a Lesotho Defense Force (LDF) member arrested for suspicion of armed robbery, lodged a torture claim against the LMPS with the High Court. The case remained pending in the High Court at year's end. There were a number of civil claims against the police for unlawful detention and assault stemming from the 2003 incident.

Prison and Detention Center Conditions

Prison conditions were poor, and facilities were overcrowded and in disrepair. Women, men, and juveniles were housed separately. After inspecting 51 prisons, the Office of the Ombudsman, an independent statutory body, released an August report that criticized conditions of overcrowding, lack of bedding, poor sanitation, and poor nutrition. The report also included recommendations for extensive physical improvements to facilities, more frequent inspections, and separate areas within prisons for ill inmates. There was no government action on these recommendations.

In December 2004 a 44-year-old man accused of the murder of an LDF senior officer died in police custody while awaiting judgment in his murder trial. Further investigation revealed the prisoner may have died due to illness related to prison conditions.

The Office of the Ombudsman prison report identified the death of two inmates in Mohale's Hoek prison in 2004. The prisoners were held in solitary confinement, stripped, soaked with cold water, and beaten. One prisoner died from swallowing nails, and the other reportedly suffocated himself with handcuffs. The authorities had not responded or taken any action by year's end.

Pretrial detainees were held with convicted prisoners. Security and military prisoners were held in a separate facility. The law states pretrial detainees and convicted prisoners should be held in separate prisons; however, due to overcrowding this did not occur in practice.

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 may visit any prison without the prior knowledge of the prison director and generally were allowed to do so. The committees report their findings to the prison director.

International human rights groups were permitted to monitor prison conditions. During the year International Committee of the Red Cross representatives inspected prisons in Maseru on a number of occasions. Their report criticized the conditions; however, there was no government response or action by year's end. The British Department for International Development program, Justice Development Sector, worked in prisons and conducted regular inspections.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of Police and Security Apparatus

The security forces consist of the LDF, the 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 authority of the Minister of Home Affairs and Public Safety.

The LMPS is nationally managed, with the country divided into three regional police districts. An assistant commissioner of police heads each region and senior superintendents head the districts. The LMPS suffered from a significant shortage of resources, which sometimes limited the effectiveness of the police.

Corruption was a problem; however, the government continued its reform efforts. Police authorities confirmed allegations that some police officers solicited bribes to turn a blind eye to traffic and other offenses. Police authorities and media reported that police and army personnel may have been involved in a spate of armed robberies during the year. A police officer was arrested, charged, and bail was set, but due to the absence of legal representation, the date of trial was postponed to January 2006.

The PCA, established in 2003, became fully operational. The PCA is an independent oversight body that monitors questionable behavior of police officers and addresses grievances of the public against the police. The PCA is composed of 4 commissioners and 36 staff members. The PCA commissioners expressed concern that the Police Act limited the PCA, since it did not accord the body powers of search and seizure or the power to summon police officers. They requested the Ministry of Home Affairs and Public Safety to pursue amendments to the act; no amendments occurred by year's end.

During the year the PCA received 48 complaints. In December the PCA submitted its report containing recommendations of disciplinary action to the Minister of Home Affairs and Public Safety (which has authority over the police). No further action had been taken by 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 the imprisonment. The law also allows family members to visit inmates. However, in practice, the police sometimes did not comply with these provisions. There were no reports of police misconduct in arrests or pretrial detention. Persons detained or arrested in criminal cases and defendants in civil cases had the right to legal counsel; however, there was no system to provide public defenders. 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. Some nongovernmental organizations (NGOs) maintained a few legal aid clinics. The law provides for granting bail, which the authorities granted regularly and generally fairly.

There were no reports of political detainees.

Due to serious backlogs of court caseloads, pretrial detainees constituted approximately 17 percent of the prison population, and pretrial detention could last months or even years. The backlogs were due to lack of resources, delay tactics by defense counsel, and unavailability of legal counsels. On November 1, The *Mirror* newspaper reported that judges granted postponement of cases without good cause and attorneys failed to appear without explanation. The article also reported that six thousand cases were pending in the magistrates' courts.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the judiciary was independent in practice.

The judiciary consists of the Court of Appeal (which meets semi-annually), the High Court, magistrates' courts, and traditional courts, which exist largely in rural areas to administer customary law. The High Court also provides procedural and substantive guidance on matters of law and procedure to military tribunals; however, it does not participate in judgments. A single high court judge normally adjudicates criminal trials with two assessors who serve in an advisory capacity. The authorities generally respected court decisions and rulings.

Trial Procedures

There is no trial by jury. Trials are public, but in civil cases, judges normally hear cases alone. There was a large case backlog, which led to lengthy delays in trials (see section 1.d.). 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, and some cases proceeded without legal representation for the accused. Free legal counsel is available, either by the state or by a legal NGO. The defendant can be held or released on bail until a sentence is passed.

In civil and criminal courts women and men are accorded equal rights. However, in traditional and customary courts, certain rights and privileges were denied to women. This system greatly disadvantaged women (see section 5). When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgments by a principal chief rather than a civil court, and the judgment was legally binding.

Military tribunals have jurisdiction over military cases only. Decisions by military tribunals 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.

There were no reports of political prisoners.

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

The law does not fully protect citizens' privacy rights; however, there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants were required under normal circumstances, the law provides police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant.

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 respected these rights in practice.

Several independent newspapers routinely criticized the government. There were seven private radio stations, and there were no private television stations. The media was free to criticize the government, but risked being sued for slander or libel. The official state-owned or state-controlled media consisted of one radio station, a two and one-half hour daily newscast on a television channel, and two weekly newspapers. All reflected official positions of the ruling party. South African, global satellite television, and radio broadcasts were widely available.

Government ministers and other officials initiated a number of libel and defamation suits against members of the independent media, some of which led to out-of-court settlements. In June lawyers representing the prime minister met with representatives of *Mopheme* newspaper to discuss a possible libel case. An agreement was presumably reached as no further reports were made. On November 8, the *Spectator* newspaper reported that retired Major General Thibeli filed a defamation suit against the Catholic newspaper *Moelets'i oa Basotho*. The plaintiff and defendants met in court, but due to the absence of legal representation, the case was postponed to 2006.

On November 10, Mr. Thotanyane, a private businessman, received an award of \$240 thousand (1.5 million maloti) from his libel case against the *Public Eye* newspaper.

The 2004 case in which a member of parliament sued the *Mololi* newspaper for libel was still pending at year's end.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Unlike in previous years, there were no reports that police killed demonstrators.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

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 2005 [International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

Protection of Refugees

The law provides 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 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. The government has designated a commissioner for refugees.

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

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

Elections and Political Participation

In the 2002 elections, the LCD party won 79 of the 80 constituency-based seats; the opposition Lesotho People's Congress (LPC) party won the remaining constituency seat; and the 40 proportionally elected seats were divided among 9 opposition parties. Prime Minister Mosisili, the leader of the LCD party, won re-election. Domestic and international observers concluded that the elections were free, fair, and peaceful. There were 15 women in the 120-member National Assembly and 12 women in the 33-member Senate. The speaker of the National Assembly, five government ministers, one assistant minister, four judges of the High Court, and the commissioner of police were women. In April female candidates captured 53 percent of seats in the first post-independence local government elections.

Approximately 98.5 percent of the population was Basotho. There were no minorities in the 120-member National Assembly, the Senate, or the cabinet.

A provision in the constitution requires that members of parliament be able to speak; however, to date, this provision has not been enforced.

Government Corruption and Transparency

There were isolated reports of government corruption during the year; however, according to Transparency International, corruption was a serious problem.

In January two officials, who arranged travel for the LDF, were charged with accepting bribes from Millennium Travel and Tours. The first official was fined \$780 (5 thousand maloti) with an alternative of a two-year jail term. The trial of the second official began in November and was pending at year's end.

In a February case brought before the High Court, the Impregilo Company was charged with bribery of a former chief executive of the Lesotho Highlands Water Project (LHWP). The chief executive was already serving a 16-year sentence for another LHWP-connected bribe.

Although there are no laws providing for access to government information, and access to government information was incomplete, websites of government ministries, parastatals, and private organizations provided significant information. On October 31, media reported that the Media Institute of Southern Africa pressured the government to release information on an upcoming Commonwealth of Nations conference. The government said it was holding the information for initial release to government-controlled media.

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 agencies. The ombudsman was constrained by a shortage of staff, finances, and equipment. The ombudsman intervened on issues such as the release of unlawfully held salaries of employees; reinstatement of employees illegally suspended from work; compensation for persons relocated to new areas in connection with the LHWP; and compensation and repair of houses for communities living close to large-scale development projects. Some of the ombudsman's reports were successful at bringing attention to various issues. In the case of the LHWP, action was taken to correct infringements highlighted by the reports. The government was slow to implement recommendations addressing inadequacies in government infrastructure due to a lack of resources.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits 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

Although dependable statistics were not available, domestic violence against women occurred frequently and was believed to be widespread. Traditionally, 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 were brought to trial. Punishment ranges from fines to incarceration. Judges have a wide degree of discretion in sentencing. Such behavior was increasingly considered socially unacceptable due to advocacy and awareness programs of the Gender and Child Protection Unit (GCPU) of the LMPS, the Federation of Women Lawyers, NGOs, the Lesotho Child Counseling Unit, and both broadcast and print media campaigns.

The law prohibits rape, including spousal rape, which is punishable by a minimum sentence of five years' imprisonment, with no option for a fine. The rape of young children, older girls, and women was common. The organizations involved in combating the problem included the GCPU, the Lesotho Child Counseling Unit, and other NGOs.

The law does not address prostitution, and it was a problem. In August police conducted a large raid in Maseru, but were unable to prosecute those apprehended based on existing law.

The law does not specifically prohibit sexual harassment, and there is a strong perception of widespread sexual harassment.

Both traditional law and custom severely limited 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, and she cannot enter into legally binding contracts without her husband's consent. A woman married under customary law has no standing in civil court. Government officials have publicly criticized this customary practice. The tradition of paying a bride price (*lobola*) was common. There is 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 very small percentage of the population.

Women's rights organizations took a leading role in educating women about their rights under customary and common 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 the status and rights of women.

Children

The Child Protection Act (CPA) and the Sexual Offences Act provide for the protection of children; however, limited resources hampered the government's ability to fully enforce these laws.

The government devoted substantial resources to primary and secondary education. Primary education was tuition-free through the sixth year of school, with the seventh year to be included in 2006. Education was not compulsory even at the primary levels. A substantial number of children did not attend school, particularly in rural areas where there were few schools, where children were involved in subsistence

activities in support of their family's welfare, or where families could not afford fees for the purchase of uniforms, books, and materials. The UN Children's Fund (UNICEF) estimated in 2002 that 62 percent of boys and 68 percent of girls attended primary school. School nonattendance affected boys disproportionately more than girls, due to the tradition of livestock herding by young boys (see section 6.d.).

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

Child abuse was a common problem, especially for children made vulnerable by HIV/AIDS. There were few official reports or statistics. During the year the Ministry of Youth, Gender, and Sports stated on a number of occasions that there was a need to curtail and stop child abuse.

Child prostitution was a problem. According to media reports, young girls and boys, many of whom were orphans, moved to urban areas to work as prostitutes. A 2001 UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial enterprise 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 trend toward commercial prostitution by children under age 18 was a growing problem in the country. It was believed that the incidence of prostitution was growing, and the average age of commercial sex workers was dropping; however, there was no evidence of third party participation. Child sex workers (including child prostitutes) worked by themselves for economic reasons. There is little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

Familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating a growing number of street children and families headed by children. Street children were constrained due to their relative lack of finances from access to government services, such as medical care and school. Street children were not informed about their rights or access to government services. There were no reports of abuse of street children by security forces.

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

Trafficking in Persons

The law does not specifically prohibit trafficking in persons. During the year the minister of Gender and the assistant minister of Education publicly stated their concern about six cases of child trafficking and the possible increase of trafficking-related activities. There were no official statistics available on the issue of trafficking. The police can charge persons suspected of trafficking under the Labor code, the CPA, and kidnapping statutes enshrined in the constitution. The Ministry of Home Affairs and the GCPU are responsible for monitoring trafficking.

Persons with Disabilities

Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful, and the government enforced these laws within its limited means. Although societal discrimination was common, the tradition of hiding disabled children from the public was no longer commonly acceptable. The association of the disabled actively promoted the rights and needs of the disabled. However, during the year the association was hampered by accusations of misallocation of finances.

Laws and regulations stipulate that persons with disabilities have access to public buildings, and buildings completed after 1995 generally complied with the law. The election law provides assisted voting for persons with disabilities. The minister of justice, human rights, rehabilitation, law, and constitutional affairs was blind.

National/Racial/Ethnic Minorities

Minorities constituted less than 2 percent of the population. There were small groups of Indo-Basotho, European, and Sino-Basotho. 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. In March 2004 the prime minister took an HIV/AIDS test and started an HIV/AIDS awareness campaign. The government provided subsidized medicine and food to persons with HIV/AIDS.

The November 28 edition of *Mopheme* reported a claim of discrimination by the LDF policy to disallow enlistment of HIV positive persons. The LDF policy also states that a soldier found to be HIV positive after induction is not retired or separated. The soldier is provided counseling and testing; 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 government authorization, and workers exercised this right in practice; however, some employers in the textile sector do not observe trade union freedoms. The labor code prohibits civil servants from

joining or forming unions, but allows them to form staff associations. The government regarded all civil servants as essential employees; therefore, essential employees did not have many of the normal labor rights, such as the right to strike or the right to negotiate. In May 2004 civil servants established a professional association.

The Mounted Police Service Act prevents members of the police service from belonging to trade unions; however, it allows them to establish a staff association charged with promoting the professional efficiency and interest of members of the service.

Under the labor code, prepared with the assistance of the International Labor Organization, all trade union federations must register with the government. The government routinely granted registration. During the year, the Department of Labor stated there were 38 functional trade unions with a membership of 20,706, excluding 3 unions, which did not have proper records of membership.

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

The law prohibits antiunion discrimination, and the government generally enforced this in practice. There were reports that some employers harassed union organizers, intimidated members, and fired union activists, particularly in domestic industries. During the year unions referred 28 cases of unfair labor practice to the independent Directorate of Dispute Prevention and Resolution (DDPR). 13 cases were brought to agreement, 2 of which were referred to the labor court for settlement. 1 was withdrawn and 16 were ongoing at year's end. The commissioner of labor, who operated as part of the Ministry of Employment and Labor, was charged with investigating allegations of labor law violations. During the year, there were no reports of employers preventing workers from becoming members of unions, gaining access to factories, or threatening workers with loss of employment.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government generally protected them in practice; however, some private sector employers tried to restrict these rights (see section 6.a.). Collective bargaining was protected by law and freely practiced.

The law provides for a limited right to strike; however, civil servants were not allowed to strike, and, by definition, all public sector industrial actions were 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. During the year there were no legal or illegal strikes. The labor code establishes the DDPR within the Ministry of Employment and Labor to provide dispute prevention and resolution mechanisms; the DDPR was independent of government, and maintained a record of handling cases promptly. The DDPR resolved 1,365 out of 1,422 cases by year's end. The Commissioner of Labor was authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but she did not have the authority to impose criminal fines.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions; however, child labor was a problem in the informal sector. The government had no mechanism for inspection of the informal sector.

The legal minimum age for employment in commercial or industrial enterprises is 15 years, and the legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly were employed in family-owned businesses. Children under 18 years of age may not be recruited for employment outside of the country. Child labor laws covered all sectors except the agricultural sector.

Many urban street children worked in the informal sector. Most jobs performed by children were gender-specific: boys as young as ages four and five were livestock herders, carried packages for shoppers, washed cars, and collected fares for minibus taxis; girls were domestic servants; teenage girls (and a few boys) were involved in prostitution (see section 5); and both boys and girls worked as street vendors.

In traditional society, rigorous and occasionally dangerous working conditions for young livestock herdboys were considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. Reportedly the age of initiation into herding continues to drop. The emphasis on traditional socialization methods to the exclusion of formal education continued the cycle of poverty for most youth.

The Ministry of Employment and Labor is responsible for investigating child labor allegations. During the year, the (Ministry of Employment and Labor's Inspectorate) conducted quarterly inspections in the formal sector.

e. Acceptable Conditions of Work

A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity consisting of the government, trade unions,

and employees. In 2004 the government introduced a schedule of basic minimum wages for different sectors, such as manufacturing, construction, retail, service and mortuary services. The general minimum wage was \$103 (650 maloti). The national minimum wage for workers in lower-skilled jobs did not provide a decent standard of living for a worker and family. There was no evidence to suggest foreign employers were paid below the minimum wage. Most wage earners supplemented their income through subsistence agriculture or remittances from relatives in South Africa.

The labor code provides for 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 sick and public holidays; however, employers did not always respect these rights in practice. Required overtime was legal as long as overtime wages were paid for work in excess of the legally mandated 45-hour workweek. Workers in the garment industry were paid the proper overtime rate for overtime hours worked. According to the commissioner of labor, employers in the security sector were the worst violators of the labor code. They regularly worked employees beyond the recommended hours, did not insure their workers against injury or death, and paid them below the minimum wage.

The labor code 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 make 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 on safety in the workplace and dismissal implied 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, who operates as part of the Ministry of Employment and Labor, was charged with investigating allegations of labor law violations. Labor inspectors generally conducted unannounced inspections in factories four times a year.

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