

# Lesotho 2024 Human Rights Report

## Executive Summary

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

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and significant presence of any of the worst forms of child labor.

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

## Section 1. Life

### a. Extrajudicial Killings

There were reports the government or its agents committed arbitrary or unlawful killings during the year.

The Lesotho Defense Force (LDF) announced its members killed Nete Makhabane and Lejone Mopoko on September 5 at Ha Lebesa village in Berea District during an operation to confiscate illegal firearms.

Makhabane's autopsy report revealed he died from broken ribs and damaged lungs. LDF Commander Letsoela announced in a September 25 press conference that his institution had launched a formal investigation. The country's ombudsperson was also conducting an investigation.

## **b. Coercion in Population Control**

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

## **Section 2. Liberty**

### **a. Freedom of the Press**

The constitution and law provided for freedom of expression, but did not explicitly mention freedom of the press and other media. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

### **Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups**

Independent media practiced self-censorship due to dependence on government advertising revenue and its control of access to broadcast towers, but media otherwise expressed a wide variety of views without restriction. The law provided for the right to obtain and impart information

freely, but only if it did not interfere with “defence, public safety, public order, public morality, or public health.” On May 27, the Media Institute for Southern Africa-Lesotho criticized then acting Police Commissioner Mahlape Morai for instructing media outlets to stop interviewing and broadcasting statements and music from accordion music groups banned by the prime minister via an executive order targeting violent gangs that played the music.

## **b. Worker Rights**

### **Freedom of Association and Collective Bargaining**

The constitution protected freedom of association. The Labour Act of 2024 stipulated workers in the private sector and civil servants had the right to join and form trade unions of their choosing without prior authorization or excessive bureaucratic requirements. The law prohibited police, LDF, Lesotho Correctional Service (LCS) and National Security Service members from joining or forming unions but allowed them to form staff associations for collective bargaining and promoting ethical conduct. Only the members of a registered trade union were entitled to elect workplace union representatives. The law provided for unions to operate without interference, although only unions with a 50 percent membership were permitted access to work sites to perform union duties.

The government and employers generally respected freedom of association

and collective bargaining. Government approval was not required for collective agreements to be valid. The law protected collective bargaining but did not provide for minority union collective bargaining rights. The law required any union entering negotiations with management to represent at least 50 percent of workers. Only a few factories met that condition. In 2021, the International Labor Organization observed recognition thresholds used for private-sector unions and public-sector employees' associations did not clearly protect the rights of minority unions to bargain collectively. United Textile employees reported some employers were not willing to bargain with the trade union although they met the 50 percent threshold stated in the law. During the year, Polihali Dam joint ventures laid off workers who joined unions. The Labour Court, however, ordered the workers be reinstated. The union also reported the companies applied lengthy processes to recognize and work with them.

The government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. Unions cited lack of capacity and limited resources by the government to address these rights. Unions also reported the Directorate of Dispute Prevention and Resolution (DDPR), an independent government body, and the Labour Court did not have sufficient arbitrators and judges to support these rights.

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

rarely applied against violators.

The law significantly limited the right to strike. In the private sector, the law required workers and employers to follow a series of procedures designed to resolve disputes before the DDPR authorized a strike. If mandatory negotiations between employer and employees reached a deadlock, the law provided for a union to file for permission to strike with the DDPR. The employer and employees were required to agree on the strike rules and its duration. Employers could also invoke a lockout clause and had to inform the DDPR of their intention to invoke the clause based on employer-employee agreement. Only a registered union with a 51 percent majority of staff as determined by the union could call a strike on a “dispute of interest” (a demand that went beyond terms and conditions established by law or an existing contract). Unions reported strict legal requirements for allowing workers to strike normally led to workers engaging in unlawful strikes that sometimes resulted in their members being injured or killed by police.

The Labour Court was the key judiciary entity to address labor disputes. It reviewed the decisions of the DDPR while the Labour Appeals Court reviewed the decisions of the Labour Court. Both courts’ independence remained questionable because they were under the authority of the Ministry of Labour and Employment (Ministry of Labour), despite jurisprudence transferring them to the judiciary. During the year, 785 cases were added, but only 177 cases were adjudicated because the court had a

backlog of 608 cases, some dating from 2017.

The Public Service Tribunal was an appeal body within the Ministry of Public Service. It handled appeals brought by civil servants or their associations. A public officer could appeal to the tribunal within 21 days of the disciplinary hearing outcome. The tribunal could confirm, set aside, or change the decision of the disciplinary hearing. The Labour Court reviewed the decision of the tribunal. The law prohibited antiunion discrimination and other employer interference in union functions. The law provided for reinstatement of workers dismissed for union activity. The Labour Act of 2024 covered the informal sector but excluded the self-employed from relevant legal protections.

The government did not effectively enforce applicable jurisprudence regarding disputed cases. The law stipulated disputes of interest were to be resolved within 30 days. The law also stipulated compensation was to be issued within 30 days from the date of completion of arbitration proceedings; however, on average, cases were generally resolved within three to six months by the DDPR. A total of 645 cases were resolved during the year. The DDPR reported a backlog of cases due to a reduction in the number of arbitrators, manual case management system, and lack of training for arbitrators. Penalties were less than those for similar violations.

The textile workers' union reported Adient Automotive Engineering, a U.S. company that produced seat covers, in December 2023 terminated a

recognition agreement with the Independent Democratic Union of Lesotho (IDUL) that allowed the union to collectively bargain with the employer. IDUL reported Adient terminated the agreement to avoid providing fair and living wages to its employees. The unions reported violations were common at factories that did not have close relationships with foreign buyers.

The government investigated some of these acts, but perpetrators did not face penalties. In the retail sector, employers generally respected freedom of association and the right to bargain collectively, although retail unions complained employers commonly appealed Labour Court rulings to delay implementation.

Throughout the year textile union workers requested a 15 percent salary increase. Private-sector employers, through their representatives on the Wage Advisory Board, offered a 5 percent increase for all sectors. On April 5, Minister of Labour Tseliso Mokhosi announced a 5 percent salary increase for all private-sector workers. Although the increase was well below the amount requested, unions reported workers did not reject the increase because several factories were terminating workers at the time due to financial difficulties.

## **Forced or Compulsory Labor**

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

## **Acceptable Work Conditions**

### **Wage and Hour Laws**

The law established a general minimum wage for the formal sector and domestic workers except agriculture-sector workers. Sector-specific minimum wages existed for certain industries. The Wage Advisory Board established by the minister of labor and employment was authorized to submit minimum wage proposals. The general minimum monthly wage was above the official poverty line. Sector-specific minimum wages were generally substantially higher than the general minimum wage. The Ministry of Labour stated most companies in the security, construction, and retail sectors paid workers wages below the minimum wage stipulated by the law.

The law stipulated standards for hours of work, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, and a daily minimum rest period of one hour. Required overtime was legal if overtime wages for work in excess of the standard 45-hour workweek were paid. The maximum overtime allowed was 12 hours per week, but there were exemptions under special circumstances. The law required the premium pay for overtime be at a rate not less than 25 percent more than the employee's normal hourly wage rate. Employers who engaged in excessive compulsory overtime were liable to a 2,000 maloti (\$109) fine, six months' imprisonment, or both.



Sectors where alleged violations of wage, hour, or overtime laws were common included construction, mining, private security, and textiles.

### **Occupational Safety and Health**

The Occupational Safety and Health Act, enacted during the year, provided for the Ministry of Labour to issue regulations on occupational safety and health (OSH) standards, and the labor commissioner was responsible for investigating allegations of labor law violations. The new law established a central authority to oversee systems and regulations to improve employees' working environments and permitted workers to remove themselves from "dangerous working conditions."

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

Trade union representatives from the textile sector described working

conditions as poor or harsh but not dangerous. Independent auditors hired by foreign textile buyers conducted spot checks on many exporting factories, customarily sought labor union input, and briefed unions on their findings. Unions believed independent auditors kept factory owners compliant with health and safety regulations.

The Occupational Safety and Health Act explicitly provided for workers to remove themselves from situations that endangered their health or safety without jeopardy to their employment. Workers had the right to request an employer to conduct an inspection or investigation if they had safety concerns. Workers reported being pressured not to report violations and also reported fear of becoming victimized if they reported cases.

Nevertheless, code provisions on safety in the workplace and dismissal implied such a dismissal would be illegal. Authorities protected employees when violations of the law were reported. Working conditions for foreign or migrant workers were the same as those of residents, and migrants had equal protection under the law in the formal sector.

### **Wage, Hour, and OSH Enforcement**

The government enforced wage and hour laws inconsistently. Inspectors had authority to make unannounced inspections, but only the court could impose sanctions. The Ministry of Labour's inspectorate reported employers, particularly in the security, retail, transport, and construction sectors, did not always observe the minimum wage and hours-of-work laws.

Many locally owned businesses did not keep adequate employee records to facilitate labor inspections as required by law.

In general, overtime laws were enforced through inspection visits and office mediation. Penalties for violating these rights were sometimes applied but were less than those applied for similar infractions.

The government did not enforce OSH regulations consistently. Labor inspectors worked in all districts and generally conducted unannounced inspections, but the government did not employ enough labor inspectors to enforce compliance. The Ministry of Labour reported it employed five OSH inspectors who conducted inspections country wide during the year.

Inspectors did not have authority to initiate sanctions. According to the ministry, there was extensive noncompliance with health and safety regulations, especially in the manufacturing, retail, security, mining, and construction sectors. Employers exploited the ministry's insufficient number of labor inspectors and its inability to prosecute violations.

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

The Labour Act enacted during the year provided the Ministry of Labour with jurisdiction over the informal economy, where an estimated one-half of the country's approximately 500,000 workers were employed. Labor laws covered wage, hour, and OSH for workers in the informal sector. Part-time

workers were covered by labor laws with some exceptions.

## **c. Disappearance and Abduction**

### **Disappearance**

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

### **Prolonged Detention without Charges**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. Media reported on cases in which the LDF did not observe these requirements and on September 27, High Court Judge Maseforo Mahase ruled that the LDF did not have jurisdiction to arrest or detain suspects.

The law required police to obtain an arrest warrant from a magistrate based on sufficient evidence prior to making an arrest on criminal grounds. Police were also required by law to inform suspects of the charges against them at the time of arrest and present suspects in court within 48 hours. Authorities did not always abide by the 48-hour rule. Authorities were prohibited from holding suspects in pretrial detention for more than 60 days unless the suspect was considered a flight risk or posed a threat to witnesses. The law also provided for bail, which authorities granted regularly.

Defendants had the right to legal counsel and authorities generally allowed detainees prompt access to a lawyer. While the Legal Aid Division under the Ministry of Justice and Law and nongovernmental organizations offered some free legal assistance, they lacked the capacity to provide counsel to all indigent detainees.

Arbitrary arrest and detention were continuing problems. For example, media reported the LDF detained Kakaretso Tsatsi, Molemo Mosunyane, Retselisitsoe Moeti, and Tsehla from October 7-8 for alleged illegal firearms possession and subsequently released them after failing to recover the weapons.

Lengthy pretrial detention was a problem. Pretrial detainees constituted 28 percent of the prison population. The length of pretrial detention sometimes equaled or exceeded the maximum sentence for the alleged crime. Pretrial detention sometimes lasted for years due to judicial staffing shortages, trial postponements requested by unprepared prosecutors, unavailability of legal counsel, inadequate forensic capacity, or negligence.

#### **d. Violations in Religious Freedom**

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

## **e. Trafficking in Persons**

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

## **Section 3. Security of the Person**

### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibited such practices, but there were credible reports government officials employed them. The penal code cited torture as a crime against humanity. There were credible reports the LCS, police, and LDF members beat inmates and suspects and subjected them to cruel, inhuman, or degrading treatment or punishment.

Among other reported abuses, on March 19, the ombudsperson reported that after a prison break 114 LCS cadets in December 2023 “abused, mistreated, tortured, and beat approximately 300 out of 650 inmates” detained at Maseru Central Correctional Institution during a routine search operation. This operation left one inmate, Tlotliso Bereng, paralyzed.

## **b. Protection of Children**

### **Child Labor**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **Child Marriage**

Civil law defined a child as a person younger than age 18 but provided for a girl to marry at age 16. Customary law did not set a minimum age for marriage.

Early or forced marriages were prevalent in rural areas. The Ministry of Social Development, UN Population Fund, and World Vision International conducted public awareness campaigns against child marriage in several districts. On August 18, the *Sunday Express* newspaper reported Linakeng Community Councilor Shao Sebeta stated collaboration with health workers and information dissemination resulted in a significant decline in child marriage in his community. The Social Development Ministry, however, attributed an anecdotal increase in reported incidents nationally to economic, social, education, and cultural factors. For example, police arrested Mahase Khoeli July 5 for marrying a girl age 14 in Mafeteng District. He remained in LCS custody awaiting trial by year's end.

### **c. Protection to Refugees**

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

#### **Provision of First Asylum**

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

#### **Resettlement**

The government approved the naturalization of two refugees and reviewed four new applications.

### **d. Acts of Antisemitism and Antisemitic Incitement**

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