

LESOTHO 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Lesotho is a constitutional monarchy with a democratic parliamentary government. 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. All major parties accepted the outcome of the February 28 peaceful, credible, and transparent elections, and the country established its second coalition government. A Southern African Development Community (SADC) facilitation mission negotiated the snap election following clashes in August 2014 that saw then prime minister Thomas Thabane flee the country. The parliamentary elections gave no political party a majority. Pakalitha Bethuel Mosisili, the leader of the Democratic Congress (DC), which won 47 seats in the 120-member parliament, formed a seven-party, 65-seat coalition government. Despite the close election and tense environment, Thabane transferred power peacefully to Mosisili and assumed leadership of the opposition. Thabane fled the country again in May, citing concerns about his safety and had not returned by year's end. An opposition boycott of parliament also remained in effect at year's end. The extent of civilian control over security forces was unclear at year's end.

In May and June, the Lesotho Defense Force (LDF) arrested more than 50 soldiers in connection with an alleged mutiny; 23 faced charges of mutiny or failure to suppress mutiny, and there were credible reports detainees were tortured. On June 25, LDF members shot and killed their former commander Maaparankoe Mahao in what the LDF characterized as an effort to arrest him in connection with the alleged mutiny.

Cruel, inhuman, or degrading treatment, punishment, and torture by LDF members and police, and societal abuse of women and children were the most significant human rights problems in the country.

Other human rights problems included lengthy pretrial detention, long trial delays, and official corruption. Societal abuses included stigmatization of persons with disabilities, human trafficking, discrimination against persons with HIV/AIDS, and child labor.

The government did not take steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government; impunity remained a significant problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were credible reports that members of both the LDF and the Lesotho Mounted Police Service (LMPS) committed arbitrary or unlawful killings.

In March three young boys reportedly went to assist another boy who claimed to be under attack at Thaba Bosiu. They brought back a gun confiscated from the attacker and presented it to the chief of Ha Ramotsoari. Police at the “Flight One” police station at Mazenod collected the gun and after a few days had the boys report to the police station. When they did, police ordered them to strip naked, tied their hands and feet with handcuffs, hit them with a knobkerrie (club) on the buttocks, and suffocated them with a tire tube. One of the boys, Mohau Taleng, died during the torture. Police claimed Taleng died during questioning. The father claimed the left side of his son’s skull (between the ear and the eye) was smashed inwards. According to a police spokesman, an investigation continued.

The most prominent example of an unlawful LDF killing occurred on June 25, when LDF members shot and killed former LDF commander Maaparankoe Mahao. The LDF claimed they shot Mahao while he resisted arrest, an account disputed by Mahao’s brother citing nephews who witnessed the shooting. The SADC established a Commission of Inquiry to look into the killing and concluded hearing testimony on October 21. Government officials pledged to make the commission’s report public. During May and June, authorities arrested more than 50 soldiers for an alleged mutiny plot to install Mahao as LDF commander. Twenty-three were charged and kept in detention, but authorities released one, visually impaired Brigadier Thoriso Mareka, following a High Court order; Mareka continued to face charges. A second, Corporal Molato Mohatlane, was released pending court-martial following a court order, but only after signing a remand warrant and providing a justification citing special dietary requirements. By year’s end following several court cases, authorities released four of the detainees on open arrest (a status similar to release on bail), pending trial, and 18 remained in custody despite court orders for their release.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the constitution and law expressly prohibit such practices, there were reports of torture and cruel, inhuman, or degrading treatment or punishment by the LDF and the LMPS.

There were reported cases of abuses similar to the following example: On May 14, the LDF arrested the first of more than 50 soldiers it would detain on suspicion of participating in an alleged mutiny plot to install Lt. General Maaparankoe Mahao as LDF commander. Many of the detainees claimed to have been tortured; the allegations were consistent with their physical appearance during court hearings. The LDF denied many of the detainees access to lawyers, family, and medical care during the early phase of their detention. One judge ordered a detainee released on grounds that he had been “subjected to torture and inhuman treatment.”

There were credible reports that while in LDF custody, some detainees were chained outside in cold weather, splashed with water, held underwater in cold streams until they lost consciousness, suffocated with rubber tubing, and kicked and beaten. The LDF reportedly questioned detainees about their alleged involvement in a plot to install Mahao as LDF commander and their failure to report the plot. According to testimony before the SADC Commission of Inquiry, detainees also reported being forced to implicate other LDF members. On December 8, a judge ordered a detained soldier released on grounds that authorities were holding him for refusing to implicate other soldiers in an alleged mutiny. The LMPS investigated one reported case of police torture but concluded it was false and closed the case.

In May, *Public Eye* newspaper reported that fellow soldiers detained lance corporals Toma Jobo and Pitso Molefi and brought them to court in chains. Molefi showed the court injuries on his wrists and complained about pain in his neck and kidneys. He stated that although the LDF provided decent meals, prisoners slept in chains. Jobo complained about chest and back pains, as well as swollen wrists, and told the court that officials did not give him his antiretroviral (ARV) medication.

On October 5, Justice Maseshophe Hlajoane awarded Elias Motlomelo 450,000 maloti (\$31,120) in general damages in a civil case concerning alleged torture by the LDF in 2007. A group of unidentified men took Motlomelo from his home and detained him in various places blindfolded, handcuffed, with feet shackled.

Authorities also tortured and assaulted Motlomelo and denied him food, water, and medical care. There was no criminal case.

Prison and Detention Center Conditions

Prison and jail conditions were poor due to lack of sanitation, heat, ventilation, and lighting; prisoner rape; poor quality food; and overcrowding. A “go-slow” by prison guards, which started in December 2014 and ended in June, exacerbated the situation. During that period guards denied prisoners access to visitors, court appearances, and doctor’s visits. According to Nkalimeng Mothobi, president of the Crime Prevention Rehabilitation and Reintegration of Ex-Offenders Association (CRROA), 19 prisoners died from illness at Maseru Central Correctional Facility from December 2014 to June.

Physical Conditions: The prisons were somewhat overcrowded. For example, according to the Lesotho Correctional Service (LCS), the Maseru Central Prison had a capacity of 650 but at times held up to 850 inmates. According to press accounts, the UN Office on Drugs and Crime regional monitoring and evaluation officer for sub-Saharan Africa, Nthabeleng Moshoeshe, urged the government to address the issue of overcrowding in prisons, which she said contributed to the spread of communicable diseases. The army detained military prisoners in a maximum-security facility.

According to the LCS, 26 inmates died during the year due to HIV/AIDS-related illness, tuberculosis, epilepsy, and meningitis. The president of CRROA said one prisoner died at Teyateyaneng correctional facility after being assaulted first by villagers and then by LCS officials before being locked in a cell and denied proper medical attention. The prisoner was one of five who had escaped from prison. According to the LMPS, two suspects died in police custody. One suspect was a victim of mob violence before the mob handed him over to police. Police took him to a doctor before detaining him later in the day; he died overnight. In another case, a suspect died while being interviewed by police. The post mortem showed no external injuries but discovered a bruise on the lung. Investigations continued at year’s end.

Although prisons provided potable water, sanitation was poor, and facilities lacked bedding. Proper ventilation and heating/cooling systems did not exist, and some facilities lacked proper lighting. There were no reports of food shortages, but food quality was poor. All prisons had a nurse and a dispensary to attend to minor illnesses, but medical supplies were insufficient to meet prisoners’ needs. Prisons

lacked round-the-clock medical wards; as a result, guards confined sick prisoners to their cells from 3 p.m. to 6 a.m.

The LCS did not provide special assistance to prisoners with disabilities, who relied on voluntary assistance from other prisoners. As with many public buildings in the country, prison buildings lacked ramps, railings, and other measures facilitating physical access for prisoners with disabilities. The LCS did not have any personnel trained in sign language.

Administration: The manual recordkeeping system was outdated and inadequate, according to the LCS. Authorities used warnings and community service as alternatives to prison sentences for nonviolent offenders.

The Office of the Ombudsman received no complaints from prisoners during the year; however, prisoners were often unaware they could submit complaints to this office. Additionally any complaints must go through prison authorities, and prisoners probably feared retaliation if they complained.

Prisoners did not have reasonable access to visitors from December 2014 to June while guards were on a “go-slow.” Authorities initially prevented soldiers detained in connection with the alleged mutiny from having visitors, but according to civil society groups, access improved. Beginning October 15, authorities placed the detainees in solitary confinement and visits from relatives were restricted to five minutes per day, later relaxed to 15 minutes. Prisoners practiced religious observance freely except during the “go-slow” period when prison officials did not allow clergy in the prisons.

According to the LCS, prisoners and detainees have the right to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. The LCS referred no complaints to the magistrate court during the year.

Independent Monitoring: Benevolent groups made up of principal chiefs, church ministers, representatives of the business community, advocates of the court, and other citizens visited prisons to provide toiletries, food, and other items. In September the parliamentary committee that oversees human rights and legal affairs visited Maseru, Leribe, and Mafeteng prisons to assess the general conditions.

According to press reports, on September 29, the Southern African Catholic Bishop's Conference visited the facility in which LDF was holding detainees to assess conditions and conduct prayer services. According to one of the visit's organizers, the conditions in which military prisoners were held were similar to those of other prisoners. One nongovernmental organization (NGO), the Transformation Resource Center, tried repeatedly to gain access to the facility without success.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. The High Court ruled the arrests of LDF soldiers detained in connection with the alleged mutiny were legal, although it strongly criticized the tactics used in the arrests. The courts further ruled that LDF failed to give the detainees a proper hearing on whether they should be held in prison ("close arrest") or allowed to go home pending trial ("open arrest") and therefore should be released pending trial. By year's end following several court cases, authorities released four of the detainees on open arrest and 18 remained in custody despite a court ordering their release.

Role of the Police and Security Apparatus

The security forces consist of the LDF, the LMPS, National Security Service (NSS), and the LCS. The LMPS is responsible for internal security. The LDF maintains all external security and is authorized to assist police when the LMPS commissioner requests aid. The NSS is an intelligence service that provides information on possible threats to internal and external security. The LDF and NSS report to the minister of defense, LMPS to the minister of police, and the LCS to the minister of justice, human rights, and the correctional service.

Civilian authorities generally maintained effective control over the LMPS, NSS, and LCS. In 2014, however, former LDF commander Tlali Kamoli defied the then prime minister (who was also minister of defense) by continuing to function as de facto LDF commander following his dismissal. In November 2014 Kamoli left Lesotho for a leave of absence as agreed to under the Maseru Security Accord, brokered by the SADC. In May the new coalition government reappointed Kamoli as LDF commander even though he had never acknowledged his dismissal.

There was a general public perception the LDF and LMPS did not hold their officers accountable for abuses they committed, including torture and corruption.

For example, some of the soldiers implicated in the January 2014 bombings of the homes of the police commissioner and the girlfriend of the then prime minister or the killing of General Mahao (see section 1.a.) received promotions or awards for gallantry or meritorious service. LDF members called before the SADC commission of inquiry looking into the killing of Mahao refused to disclose the names of the soldiers involved or any operational details. There were no reports of impunity involving the NSS or LCS.

The Police Complaints Authority (PCA) investigates allegations of police misconduct and abuse. The PCA was ineffective because it lacked the authority to fulfill its mandate--it could investigate only cases referred to it by the police commissioner or minister for police and could act on public complaints only with their approval. The PCA also lacked authority to refer cases directly to the Prosecutor's Office. The PCA did not publish its findings or recommendations.

The Directorate on Corruption and Economic Offenses (DCEO) investigates and prosecutes cases of corruption, including police corruption, referred to it by the government or based on substantiated public complaints. DCEO officials complained of insufficient staffing and resources to investigate all complaints received. The DCEO operated only in the capital since it did not have offices in the districts.

Of 42 cases reported to the DCEO from April through October, it referred 23 to police or the Lesotho Revenue Authority and 19 were pending investigation. On November 9, a court convicted three former police officers on 132 counts of fraud committed between 2007 and 2010 by creating eight fictitious officers to whom they purportedly paid 822,863 maloti (\$56,900). The magistrate sentenced Motlalepula Roomane to 10 years with three years suspended if he pays back 160,000 maloti (\$11,100). Antony Molomo was sentenced to eight years with three years suspended on condition he pays 145,000 maloti (\$10,000). Finally, the court sentenced Moeti Seala to eight years' imprisonment with three years suspended if he pays 145,000 maloti (\$10,000). The three had not paid the required amounts by year's end, and the DCEO was proceeding with forfeiture actions against their respective houses.

Arrest Procedures and Treatment of Detainees

The law requires police, based on sufficient evidence, to obtain a warrant of arrest from a magistrate prior to making an arrest. Police arrested suspects openly, informed them of their rights, and brought them before an independent judiciary.

Police must inform suspects of charges upon arrest and present suspects in court within 48 hours. The law provides the right to a determination of the legality of the detention by magistrate or judge. The law allows family members to visit inmates.

Police did not always notify families of their relative's detention and are not legally required to do so.

The law provides for bail (locally referred to as "open arrest"), which authorities granted regularly and, in general, fairly. Defendants have the right to legal counsel. Authorities generally allowed detainees prompt access to a lawyer and provided lawyers for indigents in all civil and criminal cases. Free legal counsel was usually available, from either the state or an NGO. The Legal Aid Division under the Ministry of Justice and Correctional Service offered free legal assistance, but a severe lack of resources hampered the division's effectiveness and resulted in a backlog. NGOs maintained a few legal aid clinics. In May, LDF members arrested more than 50 soldiers on suspicion of committing or failing to report mutiny and held some incommunicado until their families initiated habeas corpus applications in the High Court. The law provides that authorities may not hold a suspect in custody for more than 90 days before a trial except in exceptional circumstances. According to LDF regulations, "no member shall be held under close arrest for more than 42 consecutive days pending trial by military court unless a superior authority, on advice of the director of legal services, directs in writing that he shall not be released from custody." The commander of a detained soldier's unit is the "superior authority." For all those accused of mutiny, however, a directive was issued only after 58 days of detention, meaning the detainees were held illegally for at least 16 days. On October 21, the LDF nominally released 21 detainees and immediately rearrested them as soon as they left the prison gates. By year's end following several court cases, authorities released four of the detainees on open arrest; 18 remained in custody despite a court order for their release.

Pretrial Detention: Pretrial detainees constituted 21 percent of the prison population. The average length of pretrial detention was 60 days, after which authorities usually released pretrial detainees on bail pending trial. Pretrial detention could last for months, however, due to judicial staffing shortages and unavailability of legal counsel.

Amnesty: The government occasionally grants amnesties and early releases on Moshoeshoe's Day, the King's Birthday, Independence Day, or Christmas Day. During the year the government granted amnesty to 227 prisoners.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the right to a presumption of innocence.

In most cases officials informed defendants promptly and in detail of the charges with free interpretation as necessary. In some cases interpreters were not readily available, resulting in postponement of charges. The army members arrested in connection with the alleged mutiny, however, were not promptly informed of the charges.

The law provides for a fair and public trial without delay. The LDF detained army members without trial for more than the 42 days stipulated in the regulations. According to the government, it heeded the SADC directive to halt the court-martial process to give the SADC commission of inquiry time to conduct its investigations. After the detainees filed suit demanding their release because they had been held in excess of 42 days, officials claimed to have no choice but to begin the court-martial. There is no trial by jury. In civil and criminal matters, a single judge normally hears cases. In constitutional, commercial, and appeals cases, more than one judge is appointed. Trials are open to the public. A backlog of cases in the court system, coupled with the LCS guard strike, delayed trials.

According to the LDF Act, a court-martial consists of the president and at least two other members. If the maximum punishment is death, as in the case of mutiny, the court-martial should include an additional four members. The court-martial sits in open court and in the presence of the accused, unless the accused is disruptive. An appellant may appeal a conviction by a court-martial to the Appeal Court on any ground involving a question of law, fact, or both.

Defendants have the right to be present at their trials, to consult with an attorney of their choice, to have an attorney provided by the state if indigent, and to have adequate time to prepare their case, although resources were limited. They have the right to access unclassified, government-held evidence. The law provides that the government may not use classified evidence against a defendant.

Defendants may confront and question witnesses against them and present witnesses on their own behalf. The law allows defendants to present evidence on their own behalf at the Magistrate Court, but the High Court requires legal representation. Defendants may not be compelled to testify or confess guilt and may appeal a judgment. The law extends the above rights to all citizens.

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. Individuals and organizations may freely access the court system to file lawsuits seeking cessation of human rights violations and recovery of damages. In May families of detained soldiers filed habeas corpus cases in the High Court. The court ordered the LDF to cease any torture of detainees and to provide them access to their lawyers, doctors, and family visitors.

The LDF failed to comply with court orders on a number of occasions, and on November 30, the High Court held LDF leadership in contempt for failing to comply with a court order to release some of the soldiers detained on mutiny charges pending trial. Of the three soldiers identified in the court case, one was released prior to the contempt finding, and on December 2, the LDF released the other two soldiers, with some restrictions on their movements, pending trial.

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

The constitution and laws prohibit arbitrary interference with privacy, family, home, and correspondence, and the government generally respected these prohibitions. Although search warrants are required under normal circumstances, the law provides police with the power to stop and search persons and vehicles as well as enter homes and other places without a warrant if the situation is life threatening or if there are other security concerns. The law states any police

officer of the rank of inspector or above may conduct a search on individuals or homes without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech, but the constitution does not explicitly mention freedom of the press. The government generally respected freedom of speech, but there were reports of harassment of journalists, and self-censorship persisted. There were no reports or recorded instances of lawsuits lodged by government officials to silence press criticism.

Freedom of Speech and Expression: No official restrictions limit the ability of individuals to criticize the government publicly or privately or discuss matters of general public interest without reprisal. The law prohibits expressions of hatred or contempt for any person because of the person's race, ethnic affiliation, gender, disability, or color. The government did not arrest or convict anyone under these laws. The NSS reportedly monitored political meetings.

Cases from 2014 in which the government arrested DC members for sedition remained pending in court. The Director of Public Prosecution's Office (DPP) ordered Bokang Ramatsella, one of those accused of sedition, released on September 17, stating that he was incorrectly charged. The DPP argued that one person could not commit sedition.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views. Two journalists, however, fled the country, reportedly in fear for their lives, in July and August, but they returned shortly thereafter, following intervention by the Media Institute of Southern Africa and government officials. On July 11, Harvest FM radio went off air as it began to broadcast the funeral of slain former army commander Mahao. The radio station, perceived by many as pro-opposition, broadcasts via a government-controlled transmission facility.

The constitution grants citizens the right to free expression, including obtaining and imparting information freely. The law provides for these rights only as long as they do not interfere with "defense, public safety, public order, public morality, or public health," restrictions that lead to self-censorship.

Libel/Slander Laws: In order to avoid slander and libel lawsuits, some journalists practiced self-censorship, but neither the government, nor individual public figures, used the laws to restrict public discussion during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. The internet was not widely available and almost nonexistent in rural areas due to lack of communications infrastructure and high cost of access. According to the International Telecommunication Union, 11 percent of the population had access to the internet in 2014.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system was active and accessible. According to UNHCR, during the year the government provided protection to 44 refugees and asylum seekers.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and citizens exercised that ability.

Elections and Political Participation

Recent Elections: During the February 28 national election, no single political party emerged victorious. The DC obtained 47 seats in the 120-seat National Assembly. It formed a seven-party, 65-seat coalition with the Lesotho Congress for Democracy (LCD)--12 seats; the Popular Front for Democracy--two seats; and the Marematlou Freedom Party, Basotho Congress Party, National Independent Party and Lesotho People's Congress, each of which had one seat. The All Basotho Convention (ABC), which won 46 seats, and Basotho National Party with seven seats were ousted from power. The newly formed Reformed Congress of Lesotho, which broke away from the LCD shortly before elections, won two seats.

On March 17, outgoing Prime Minister Motsoahae Thomas Thabane peacefully handed power over to DC party leader Pakalitha Mosisili. Mosisili had conceded power to Thabane following elections in 2012. Domestic and international observers characterized the 2015 election as peaceful and conducted in a credible, transparent, and professional manner. The election was called two years and three months early after clashes between police and LDF in August 2014 led Thabane to flee the country. An SADC facilitation mission negotiated the snap election.

ABC leader Thabane, who is also the leader of the opposition, and the leaders of two other opposition parties fled the country in May, citing security concerns. Despite direct talks with Prime Minister Mosisili to assuage his security concerns, Thabane had not returned to Lesotho by year's end.

Participation of Women and Minorities: No laws prevent women or minorities from voting, serving as electoral monitors or otherwise participating in political life on the same basis as men or ethnic Basotho citizens. The law provides for the

allocation of one-third of the seats in the municipal, urban, and community councils to women. The law also states a political party registered with the Independent Electoral Commission must facilitate the full participation of women, youth, and persons with disabilities. Party lists for the 40 proportional representation seats in the National Assembly must include equal numbers of women and men.

There were 30 women in the 120-seat National Assembly and eight women in the 33-seat Senate. The speaker of the National Assembly was a woman. There were eight women in the 34-member cabinet (including deputy ministers), and three of 10 High Court judges were women. The chief justice was a woman. The governor of the Central Bank of Lesotho and the chief executive of the Lesotho Highlands Development Authority were women. In August the LDF promoted two women to the rank of colonel, the first women to hold such positions.

More than 98 percent of the population is ethnic Basotho. There were no members of minority groups in the National Assembly, Senate, or cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. While the government made significant efforts to implement the law, some officials engaged in corrupt practices with impunity.

Corruption: In 2014 the *Lesotho Times* newspaper alleged the DCEO was investigating Deputy Prime Minister Mothetjoa Metsing in relation to 446,000 maloti (\$30,800) deposited in two bank accounts over a nine-month period. On November 6, the Court of Appeal dismissed Metsing's appeal of a Constitutional Court ruling allowing DCEO's access to his personal bank accounts without his authorization.

Two cases concerning DC party deputy leader and former minister of natural resources Monyane Moleleki were pending. In one, authorities charged Moleleki and four executives of Refela Holdings with fraud and corruption related to mining licenses awarded in 2012. In the second, Moleleki, two directors of Daystar Electrical Construction, and a member of parliament for Maliba-matso, were accused of diverting 15 million maloti (\$1.04 million) earmarked for electrification projects at mining sites to electrify villages in Moleleki's constituency. Moleleki was appointed minister of police in March and the case was postponed until 2017.

Financial Disclosure: The law requires appointed and elected officials to disclose income and assets, including the income of spouses and unmarried dependent children under age 18, and prohibits false or misleading declarations. The declaration regime identifies which assets, liabilities, and interests public officials must declare. Officials must file their declarations annually by April 30. The law provides for disciplinary measures and criminal penalties for failure to comply. The law does not require public declarations or that officials file declarations upon leaving office. The law mandates that the DCEO monitor and verify disclosures. The DCEO claimed it could not effectively implement the law because it lacked adequate resources.

During the year some mid-level civil servants and senior government officials declared assets and potential conflicts of interest, but others did not abide by this requirement. Authorities did not question any declaration's veracity or impose sanctions.

Public Access to Information: The law does not provide for public access to government information. Some ministries made information available to the public but not according to any stated policy or procedure. The government put few of its publications online.

Section 5. 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. According to local NGOs, government officials were not cooperative and responsive to their views and accused NGOs of not being impartial.

The United Nations or Other International Bodies: Following former LDF commander Mahao's killing on June 25, the government sought SADC support for an investigation. The result was the appointment of a nine-member SADC commission of inquiry to investigate Mahao's killing, the alleged mutiny, and divisions within the LDF. Beginning August 31, the commission of inquiry heard testimony from many high-ranking current and former government officials, including Prime Minister Mosisili, Deputy Prime Minister Metsing, and LDF Commander Kamoli. The LDF, however, declined to provide the names of soldiers involved in the operation that led to Mahao's death or any operational details. It also refused to answer any questions about the alleged mutiny, arguing

that to do so would conflict with the court-martial. Commissioners expressed public frustration concerning LDF's refusal to cooperate. In September, Deputy President of South Africa and SADC Facilitator on Lesotho Cyril Ramaphosa and SADC Executive Secretary Stergomena Tax emphasized the need for the government to cooperate with and support the SADC commission of inquiry.

Government Human Rights Bodies: The independent Office of the Ombudsman appeared to function without government or political interference. The office was partially effective but constrained by a low level of public awareness and use of its services because its operations were limited to Maseru, and it had insufficient staffing, financing, and equipment. The ombudsman intervened in response to requests for release of unlawfully withheld salaries and the reinstatement of employees illegally suspended from their jobs.

In 2011 parliament passed an amendment to the constitution providing the legal framework necessary to establish a human rights commission, but none was established by year's end. On November 2, the minister of law and constitutional affairs introduced a bill in parliament establishing a human rights commission. The bill was at the committee stage at year's end.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, color, gender, disability, language, religion, political or other opinion, HIV positive status, or social status. The law does not reference sexual orientation or gender identity, but other laws prohibit same-sex sexual activity between men, although there is no law concerning same-sex sexual activity between women. Authorities did not regularly enforce antidiscrimination laws, in part because public awareness of these protections was low, so victims rarely brought claims. Under customary law, constitutionally recognized as a parallel legal system, women were disadvantaged with regard to property rights, inheritance, and succession rights.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence. Rape convictions carry a minimum sentence of 10 years' imprisonment. When informed, police and the judiciary generally enforced the law promptly and effectively; nevertheless, sexual assault and rape were commonplace. According to a UN Office on Drugs and Crime report, in 2008 there were 91.6 rape cases per 100,000 persons. Local and international NGOs report that most

incidents of sexual assault and rape went unreported. From January to September (the most recent period for which data were available), the police Child and Gender Protection Unit (CGPU) received reports of 648 cases of rape and sexual assault. The Magistrate Court recorded 65 convictions between January and September.

Domestic violence against women was widespread. The CGPU did not compile data on domestic violence. The LMPS included reports of domestic violence with assault data but did not break down the data by type of violence. Assault, domestic violence, and spousal abuse are criminal offenses, but authorities brought few cases to trial. The law does not mandate specific penalties, and judges have wide discretion in sentencing. Judges may authorize release of an offender with a warning, give a suspended sentence, or, depending on the severity of the assault, fine or imprison an offender.

Advocacy and awareness programs by the Office of the First Lady, CGPU, ministries, and Women and Law in Southern Africa (WLSA) changed public perceptions of violence against women and children by arguing that violence was unacceptable. The activities of local and regional organizations, other NGOs, and broadcast and print media campaigns bolstered these efforts. For example, WLSA held training workshops to raise awareness of gender-based violence from November 2014-January 2015. Campaigns and radio programs educating women about their rights took place throughout the year. The government had one shelter in Maseru for abused women. The shelter offered psychosocial services, but only provided help to women referred to it. The majority of victims did not know about the shelter so it was difficult for them to access such services. There was no hotline for victims.

Other Harmful Traditional Practices: There were reports of forced elopement, a customary practice whereby men abduct and rape girls or women with the intention of forcing them into marriage, but no estimates on its extent were available. When the perpetrator's family was wealthy, the victim's parents often reached a financial settlement rather than report the incident to police.

Sexual Harassment: The law criminalizes sexual harassment, indecent exposure, and sexual assault. Penalties for those convicted of sexual harassment are at the discretion of the court. Victims rarely reported sexual harassment. According to WLSA, sexual harassment in the textile sector was on the increase. Police also believed sexual harassment to be widespread in the workplace and elsewhere. The CGPU prepared radio programs to raise public awareness of the problem.

Reproductive Rights: The law gives couples and individuals the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, and violence. In February 2014 a local NGO, in collaboration with the Community of Women Living with HIV, conducted research on forced sterilization among HIV-positive women in Quthing, Thaba Tseka, Mafeteng, and Maseru districts. The study found that 24 of 73 women interviewed had been sterilized without their consent. Then deputy minister of health Nthabiseng Makoae stated that if the allegations were true, the act was unlawful as every individual has a right to decide when to stop having children. The NGO continued research in the remaining six districts of Lesotho. Social and cultural barriers, but no legal prohibitions, limited access to contraception and related services. Regardless of the patient's background, government hospitals and clinics provided equitable access to sexual and reproductive health services. These services included skilled health attendance during pregnancy and childbirth; emergency health care, including services for the management of complications arising from abortion; prenatal care; and essential obstetric and postpartum care.

There was access to modern contraception for a minimal fee; male and female condoms were freely available. Many international and local NGOs worked in partnership with the government to provide such services. The 2014 Lesotho Demographic and Health Survey (LDHS) revealed the contraceptive prevalence rate peaked among women at 71 percent between the ages of 35-39 and declined to 40 percent among women between ages 45 and 49. It observed a correlation between education, wealth, and contraceptive use; women with living children were more likely than those without living children to use contraceptives.

The 2014 LDHS reported the maternal mortality ratio (MMR) was 1,024 per 100,000 live births, largely due to limitations in the country's health system. Although the MMR dropped slightly from 1,243 in 2009, the change was not statistically significant.

Discrimination: Except for inheritance rights, women enjoyed the same legal status and rights as men including rights concerning family, labor, property, and nationality. The law prohibits discrimination against women under formal and customary, or traditional law. Inheritance, succession, and property rights are an exception; civil law defers to customary law, which discriminates against women and girls as it pertains to inheritance. Customary law limits inheritance to male

heirs only; it does not permit women or girls to inherit property. A woman married under civil law may contest inheritance rights in civil court.

Although the civil legal code does not recognize polygamy, a small minority practiced it under customary law.

Under the civil legal system, women have the right to make a will and sue for divorce. To have legal standing in civil court, a couple must register a customary law marriage in the civil system.

In April 2014 the Court of Appeal unanimously upheld the Constitutional Court's 2013 decision to dismiss Senate Masupha's suit to inherit her father's title and estate as principal chief of Teyateyaneng, ending her four-year legal battle. The Appeals Court upheld male primogeniture. In 2014 Masupha launched a complaint at the African Commission on Human and People's Rights. The commission's request for a response from the government was pending at year's end.

The Federation of Women Lawyers Lesotho held seminars and workshops in Quthing district to advance the human rights of women and children. The program emphasized the need to improve their legal rights concerning inheritance and succession. Promoting the rights of women is among the responsibilities of the Ministry of Gender, Youth, and Sports. It supported efforts by women's groups to sensitize society to respect the status and rights of women.

The law prohibits discrimination against women in access to employment or credit, education, pay, housing, or in owning or managing businesses. Women, however, faced discrimination in employment, business, and access to credit (see section 7.d.).

Children

Birth Registration: According to the constitution, birth within the country's territory confers citizenship. According to the Office of National Identity and Civil Registry (NICR) in the Ministry of Home Affairs, all births in hospitals and local clinics are registered. Births of children in private homes are reported to the offices of local chiefs, which provide letters to parents for presentation to the NICR for issuance of birth certificates. The law stipulates registration within three months of birth but allows up to one year without penalty. After one year a nominal fee of 2.50 maloti (\$0.17) is charged. In 2013 the Ministry of Home

Affairs began implementing the National Identity Cards Act of 2011 by issuing identity cards to citizens over age 16. Applicants for these cards and electronic passports must submit new birth certificates with added security features.

Education: By law, primary education, which goes through grade seven, is universal, compulsory, and tuition free beginning at age six. The law leaves open the age by which children must complete grade seven; however, the Ministry of Education set the maximum age for free primary education at 13. Secondary education is not free, but the government offered scholarships for orphans and other vulnerable children. Authorities may impose a fine of not less than 1,000 maloti (\$69) or imprisonment on a parent whose child failed to attend school regularly. There were no reports of police fining or imprisoning parents.

According to the UN Children's Fund (UNICEF), many children did not attend school. The problem was particularly prevalent in rural areas, where there were few schools. Attending school regularly was most difficult for orphans and other vulnerable children, those involved in supporting their families through subsistence activities, or those whose families could not afford fees for the purchase of uniforms, books, and other school materials.

Child Abuse: While the law prohibits child abuse, it was nevertheless a problem, especially for orphans and other vulnerable children. Neglect, common assault, sexual assault, and forced elopement--a customary practice of abducting a girl with the intention of marrying her without her consent--occurred.

With branches in all 10 districts, the CGPU led the government's efforts to combat child abuse; however, a lack of resources limited its effectiveness. The CGPU sought to address sexual and physical abuse, neglect, and abandonment of children, and protection of the property rights of orphans. It also advocated changing cultural norms that encourage forced elopement.

In 2012 the Maseru Magistrate's Court opened a children's court as part of a government initiative to protect children's rights.

There were no media reports of violence at traditional initiation schools. Attended mainly by rural youth, these schools used traditional rituals to initiate teenage boys into manhood. While the activities of these initiation schools were secret, in years past media reported violence against students, teachers, and members of surrounding communities.

Early and Forced Marriage: The Children’s Protection and Welfare Act defines a child as a person under age 18. Under the Marriage Act of 1974, however, a girl can marry at age 16 while a boy can do so at age 18. The act states that “if the girl is 16 years of age, but is not yet 21, parental consent is required” for marriage. Customary law does not set a minimum age for marriage. According to UN Population Fund data collected between 2000 and 2011, an estimated 19 percent of women between the ages of 20 and 24 were married before age 18.

Sexual Exploitation of Children: The law sets the minimum age for consensual sex at 18. Anyone who commits an offense related to the commercial sexual exploitation of children is liable to imprisonment for a period of not less than 10 years. Child pornography carries a similar sentence. The Anti-trafficking in Persons Act 2011 criminalizes trafficking of children or adults for the purposes of sexual or physical exploitation and abuse. Offenders convicted of trafficking children into prostitution are liable to a fine of two million maloti (\$138,000) or life imprisonment. The court may apply the death penalty if a knowingly HIV-positive perpetrator sexually assaults a child who becomes infected. Authorities enforced the law.

Child prostitution was a problem. Impoverished young girls and boys, many of whom were orphans, moved to urban areas to engage in prostitution. After being fraudulently recruited with promises of better opportunities, Basotho girls were also exploited in prostitution in South Africa. UNICEF and government officials agreed that while the numbers remained small, the commercial sexual exploitation of children was a growing problem.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was a small Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The constitution does not refer to specific disabilities or to access to air travel and other transportation. The labor code and Public Service Act do not specifically provide for meaningful access to employment in both the private and public sectors by persons with disabilities. The national disability policy establishes a framework for inclusion of persons with disabilities in poverty reduction and social development programs, but by year's end, the government had not incorporated objectives or guidelines for the implementation of these programs. The Association of the Disabled promoted the rights and needs of persons with disabilities.

Persons with disabilities were disadvantaged regarding access to public buildings, employment (see section 7.d.), education, air travel and other transportation, information and communications, and health care. Laws and regulations stipulate that persons with disabilities should have access to public buildings. Public buildings completed after 1995 generally complied with the law, but many older buildings remained inaccessible. There was no accommodation for persons with disabilities in air or other transportation. Braille and JAWS (computer software used by persons with vision disabilities) were not widely available. Service providers in the government or private sector did not provide sign language interpreters (except Lesotho Television--see below), so signing individuals could not access state services. There were limited facilities for training persons with disabilities. Children with physical disabilities attended school; however, facilities to accommodate them in primary, secondary, and higher education were limited. Two schools accommodated children with vision disabilities, two schools accommodated children with hearing and speech disabilities, and one school accommodated children with intellectual disabilities. Although the government did not effectively implement laws that provide for persons with disabilities to have access to information and communications, in December 2013 Lesotho Television introduced sign language interpretation during its daily news broadcast.

Media reports indicated persons with disabilities experienced societal abuse. During an interview with the Lesotho News Agency on March 23, the officer in charge of the Mabote CGPU, Inspector Mamakafane Matlali, said the police were alarmed by a high rate of sexual abuse of people with disabilities, particularly children and women. The interview followed reports of two cases wherein neighbors sexually abused women with disabilities. In the first, Inspector Matlali indicated that two boys raped a 25-year-old woman from Sekameneng with a disability. In the second, Matlali said a neighbor raped a 17-year old girl from

Koalabata with a disability. There was only one report of a person with a disability being abused in a prison, educational facility, or mental health facility, that of a visually impaired brigadier in the LDF, who, according to press reports, was mistreated while under detention in connection with an alleged mutiny. According to the Lesotho National Federation of Organizations of the Disabled, such abuse likely occurred more regularly than was reported.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits consensual sexual relations between men, but authorities did not enforce it. The law is silent on consensual sex between women. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced societal discrimination and official insensitivity to this discrimination. LGBTI rights groups complained of discrimination in access to health care and participation in religious activities. Matrix, an LGBTI advocacy and support group, had no reports of employment discrimination from its members. Same-sex sexual relationships were taboo in society and not openly discussed. While there were no assaults reported, LGBTI persons often did not report incidents of violence due to fear of stigma.

Matrix operated freely and had members in all 10 districts. Matrix reported having a good working relationship with the LMPS.

Matrix engaged in public outreach through film screenings, radio programs, and social media. On May 16, Matrix organized the third International Day Against Homophobia and Transphobia march. Approximately 150 persons, mainly family and friends of LGBTI persons, marched peacefully and without incident from the national stadium through downtown Maseru. Matrix representatives noted police officers escorting the march were generally supportive, which they attributed to Matrix's previous outreach efforts to the LMPS.

HIV and AIDS Stigma

Access to ARV therapy increased, with 111,322 persons undergoing treatment, according to the Ministry of Health. This number remained below national targets and was lower than needed to control the epidemic in line with UNAIDS 90/90/90 targets.

In the most recent (2009) demographic and health survey, 20.6 percent of women and 31.2 percent of men reported having discriminatory attitudes towards persons

with HIV (see Reproductive Rights). More than 80 percent of the population, however, stated they would be willing to care for HIV-infected members of their families, would accept HIV-positive teachers in the classroom, and would buy fresh fruits or vegetables from a vendor known to be HIV-positive.

Almost 94 percent of women accessing antenatal care were tested for HIV; of that number, 24 percent were HIV-positive. Of the women who tested positive, 91 percent received ARV prophylaxis or Highly Active Anti-Viral Therapy to protect both mother and child.

In a 2013 study, the Lesotho Network of People Living with HIV and AIDS (LENEPWA) surveyed 1,085 HIV-positive persons (737 women, 345 men, and three transgender persons). Forty-three percent had experienced job loss or loss of other sources of income, 15 percent were refused employment, and 5 percent changed residence due to harassment or were not allowed to rent private residences. Less than 4 percent were denied education services or dismissed from educational institutions, while 6 percent reported being denied access to health-care services.

LENEPWA Executive Director Boshepha Ranthithi stated that HIV/AIDS and stigma could not be comprehensively addressed due to the 2011 closure of the National AIDS Commission and the lack of a law specifically addressing the problem. Widespread discrimination and stigma persisted.

Other Societal Violence or Discrimination

The media continued to report sporadic incidents of mob violence targeting suspected criminals. For example, according to *Public Eye* newspaper, on August 22, police in Roma arrested 10 individuals who killed an individual who had confessed to the murder of a 70-year-old man.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

By law workers in the private sector have the right to join and form trade unions of their own choosing without prior authorization or excessive bureaucratic requirements. The law prohibits civil servants and police from joining or forming unions but allows them to form staff associations for collective bargaining and promoting ethical conduct of their members. All trade unions must register with

the Registrar of Trade Unions. The law allows unions to conduct their activities without interference.

The law provides for a limited right to strike. In the private sector, the law requires workers and employers to follow a series of procedures designed to resolve disputes before the Directorate of Dispute Prevention and Resolution, an independent government body, authorizes a strike. The law does not permit civil servants to strike.

The law protects collective bargaining and places no restrictions on it. The law permits unions to bargain for wages above the minimum wage. Government approval is not required for collective agreements to be valid. Under the law regulating civil servants, the Public Service Joint Advisory Council provides for due process and protects civil servants' rights. The council consists of an equal number of members appointed by the minister of public service and members of any association representing at least 50 percent of civil servants. The council concludes and enforces collective bargaining agreements, prevents and resolves disputes, and provides procedures for dealing with general grievances. Furthermore, the Public Service Tribunal handles appeals brought by civil servants or their associations.

The law prohibits antiunion discrimination and other employer interference in union functions. The law provides for reinstatement of workers dismissed for union activity. The law does not exclude particular groups of workers from relevant legal protections.

The government enforces applicable laws with cases typically resolved within one or two months. A minority of cases lodged with the Department of Labor, the Directorate of Dispute Prevention and Resolution (DDPR), and the Labor Court took up to nine months to be resolved. It was rare for a case to take longer than nine months. The labor court had two judges and DDPR 13 arbitrators nationwide.

Employers sometimes violated rights to freedom of association and collective bargaining. According to union officials, some employers denied workers access to union officials, even during lunch breaks, in violation of the law, which requires employers allow union officials reasonable facilities for conferring with employees. Only some workers exercised the right to bargain collectively because the law requires any union entering into negotiations with management to represent 50 percent of workers, and only a few factories met that condition. In May the Factory Workers Union (Fawu), the Lesotho Clothing and Allied Workers Union

(Lecawu), and the National Union of Textile Workers (Nutex) merged to form the Independent Democratic Union of Lesotho in order to strengthen their bargaining power. The National Clothing Textile and Allied Workers Union, which separated from Fawu, remained blacklisted by employers who alleged that the founders had deliberately incited labor strikes at CNY Garments, Nien Hsing, and Sun Textiles in 2014. All worker organizations were independent of the government and political parties except the Lesotho Workers Party-affiliated Factory Workers Union. Most unions focused on organizing apparel workers.

Factory owners in the apparel industry were generally supportive of unionization, but for the most part, they were only willing to bargain collectively on wages and refused to bargain on working conditions. Factory decisions concerning labor disputes are determined by companies' headquarters, which are usually located overseas. In the retail sector, employers generally respected freedom to associate and the right to bargain collectively, although retail unions complained that employers commonly appealed labor court rulings for the purpose of delaying implementation of the rulings.

The International Labor Organization's Better Work Lesotho (BWL) program, which aims to improve compliance with national labor laws and international labor standards within the apparel industry, worked to increase understanding of national labor law and internationally recognized core labor standards.

Staff at the Avani Sun Hotel (Lesotho Sun at the beginning of the strike) were on strike from December 2014 to year's end 2015 over demands for a 14 percent salary increase.

In the public sector, while both police and civil servants had associations, no single association represented at least 50 percent of civil servants. According to the Lesotho Public Servants Staff Association (LEPSSA), approximately 34 percent of civil servants belonged to the association. LEPSSA reported most civil servants did not register for the association because they were unaware of it. This low rate of participation made it difficult for LEPSSA to engage with the government on workers' rights problems.

Despite the law against antiunion discrimination, reinstatement was rarely enforced.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the applicable law. Police reported that inadequate resources hampered their investigations and remediation efforts, although penalties for violations, including two million maloti (\$138,000) or 25 years' imprisonment, were sufficient to deter violations.

The CGPU of the police conducted community outreach on forced labor through community gatherings, lectures, workshops, and radio programs. The newly established Human Trafficking Unit of the police targeted high schools to raise awareness of human trafficking and other forms of forced labor. Police reported one potential victim of forced marriage and two potential victims of forced labor during the year. The government initiated prosecutions involving seven suspected offenders for their alleged involvement in forced marriages and forced labor. In another case, a Nigerian suspect was tried for forcing a Nigerian man to build a house without pay. Courts ordered the employer to pay the victim for his labor. In a third case, authorities charged a Kenyan man with forcing a Kenyan woman to work without pay as a hairdresser. The case was on hold at year's end as police investigated the victim's visa status.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law defines the legal minimum age for employment as 15 years, or 18 for hazardous employment. Hazardous work includes mining and quarrying; carrying heavy loads; manufacturing where chemicals are produced or used; working in places where machines are used, or in places such as bars, hotels, and places of entertainment where a person may be exposed to immoral behavior; herding; and producing or distributing tobacco. While the legal minimum age for employment is 15 years, the law also provides that free and compulsory primary school be completed at age 13, two years before a child is legally allowed to work. The law does not prohibit the use, procuring, or offering of a child under age 18 for illicit activities (with the exception of commercial sexual exploitation of children, which is punishable by a fine of up to 30,000 maloti (\$2,070) and 30 months' imprisonment). Any employer who breaches these provisions is liable to a fine, imprisonment, or both. Penalties for violation of the minimum age provisions include a fine not exceeding 20,000 maloti (\$1,380) or imprisonment not exceeding 20 months. While the law protects children working in the informal economy, it excludes self-employed children from relevant legal protections.

The government did not effectively enforce minimum age laws for employment outside the formal economy, since scarce resources hindered labor inspections. The Ministry of Labor and Employment and the CGPU investigated cases of working children. The Ministry of Labor and Employment had only 38 labor inspectors, who did not specifically focus on child labor. During the year the ministry trained three new inspectors on how to identify child labor in the workplace. In conjunction with these interventions, penalties for violations, including a fine not exceeding 20,000 maloti (\$1,380) or imprisonment for a period not exceeding 20 months, were sufficient to deter violations. The Ministry of Labor and Employment hired a consultant to assist with the implementation of the Action Plan for the Elimination of Child Labor. The ministry stated it was in the process of establishing a Child Labor Unit to investigate child labor cases.

As part of its efforts to prepare for implementation of the National Action Program on the Elimination of Child Labor (which needed approval by the cabinet before going into effect), the government developed guidelines on how to address the problem of “herd boys.” The highest estimated percentage of working children was in herding. According to the Monna-ka-Khomo Herdboys Association, the literacy rate among herd boys was improving due to the implementation of the Education Act requiring the enrollment of six-year-old children in primary school. In addition the NGO Sentebale, through its Herd Boy Education Program, operated night schools in rural areas, including 11 new schools during the year that provided an estimated 600 herd boys with basic education.

The Ministry of Labor and Employment completed approximately 1,794 labor inspections and identified three cases of child labor as of September 30. Two of the child labor cases involved herd boys, and one involved a child street vendor.

The Ministry of Labor and Employment and the CGPU continued to disseminate information on prevention of child labor as part of their other programs. On June 12, the country also marked World Day Against Child Labor and conducted child labor-specific outreach programs for the first time.

The most recent data available from the Bureau of Statistics, the 2011 Household Budget Survey, reported that 3.5 percent of children ages six to 14 participated in economic activities; this statistic did not include children aiding their families or others without compensation. In its most recent report in 2014, UNICEF estimated 23 percent of children between ages five and 14 were working. Two-thirds of these children were engaged in subsistence farming, while the rest were engaged

mainly in domestic service. Child labor was higher among boys (86.6 percent of child workers) than among girls (13.4 percent). The report was based on 2004 data provided by the Ministry of Labor and Employment.

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

d. Discrimination with Respect to Employment and Occupation

The labor code prohibits discrimination regarding race, color, sex, marital status, religion, political opinion, national extraction or social origin, and HIV/AIDS status, but it does not explicitly prohibit discrimination based on disability. There is no provision for equal pay for equal work.

Despite the law prohibiting gender-based discrimination in employment and occupation, such discrimination occurred. According to WLSA, there was no legal basis for discrimination against women in employment, business, and access to credit, although social barriers to equality remained. Both men and women reported that hiring practices often aligned with gender, with men preferentially selected for certain positions (such as mechanics) and women preferentially selected for other positions (such as sewing machine operators). In general, working conditions, while sometimes poor, were the same for both men and women.

A 2013 study by LENEPWA found substantial discrimination in employment and occupation against those who are HIV-positive (see section 6). The Ministry of Labor and Employment, however, did not report any cases during the year of discrimination in employment and occupation against those who were HIV-positive, and the Labor Code Amendment Act of 2006 prohibits such discrimination.

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

There is a sector-specific national minimum wage and a general minimum wage. The general minimum monthly wage varied from 1,178 maloti (\$81.50) to 1,285 maloti (\$88.90). The Lesotho Bureau of Statistics official estimate for the poverty income level was 138.90 maloti (\$9.60) per month. Minimum wage provisions do

not cover significant portions of the workforce. Labor laws do not cover workers in agriculture or other informal sectors.

The law stipulates standards for hours of work, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, a daily minimum rest period of one hour, at least 12 days of paid leave per year, paid sick leave, and public holidays. Required overtime is legal as long as overtime wages for work in excess of the standard 45-hour workweek are paid. The maximum overtime allowed is 11 hours per week; however, there are exemptions under special circumstances. The laws require the premium pay for overtime be at a rate not less than 125 percent of the employee's normal wage; any employer who requires excessive compulsory overtime is liable to a fine, imprisonment, or both.

The law empowers the Ministry of Labor and Employment to issue regulations on occupational health and safety standards. The law requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner that minimizes injury. It also requires each employer to have a registered health and safety officer. Employers must provide first aid kits, safety equipment, and protective clothing. The law also provides for a compensation system for industrial injuries and diseases related to employment. Penalties for violations--not exceeding 200 maloti (\$13.83) or up to six months' imprisonment--were insufficient to deter violations. The commissioner of labor is responsible for investigating allegations of labor law violations.

Labor inspectors worked in all districts and generally conducted unannounced inspections of a random sample of workplaces on a weekly basis. Businesses operating in the formal sector, including the apparel industry, were subject to more enforcement than businesses operating in the informal sector. The ministry's inspectorate reported employers, particularly in the security, transport, and construction sectors did not always observe the minimum wage and hours of work laws. Many locally owned businesses did not keep employees' records to facilitate labor inspections as required by law. Smaller employers failed to establish safety committees, did not have complete first aid kits, and did not provide protective clothing. With the exception of the mining industry, employers' compliance with health and safety regulations generally was low. According to the Ministry of Labor and Employment, noncompliance with the health and safety regulations increased especially in construction, where there was an increasing frequency of fatal accidents. The BWL also reported some employers paid workers less than required by law for overtime work.

Trade union representatives described textile-sector working conditions as poor or even harsh but not dangerous. Union officials stated most textile factories were in prefabricated metal buildings. Unions reported few examples of dangerous health hazards but noted most factories had improper ventilation. Third-party auditors hired by foreign textile buyers conducted spot checks on many exporting factories, customarily sought labor's input, and briefed the unions on their findings. Unions believed the third-party auditors kept factory owners in line with health and safety regulations. Unions also mentioned compliance with labor law and labor standards was much higher at factories enrolled in the BWL program.

Many workplace policies covered employees with HIV/AIDS. Some of the larger factories maintained health services at the workplace. Where factories did not provide health care, workers had the right to access services at public health centers. Employers provided space for employee examinations and time off for employees to see doctors, receive counseling, and participate in educational and antistigma programs.

The Ministry of Labor and Employment is responsible for enforcing these laws and standards but limited budget resources constrained enforcement efforts. Inspections did not cover agricultural and other informal sectors, which employed most workers. The ministry estimated a significant number of workers were in the informal economy, although there was no reliable data on the number of such workers. The ministry's inspectorate noted that penalties were not sufficient to deter violations. The BWL supported Ministry of Labor and Employment inspection efforts by providing examples of crucial noncompliance and inconsistent labor law application to ensure that inspectors raised them with employers. The BWL also shared experiences and assessment findings with the ministry on a regular basis with a view to work towards industry-wide improvements.

The Ministry of Labor and Employment received 22 reports of workplace fatalities and accidents, many of which occurred in the textile industry. Ministry representatives indicated underreporting was a possibility.

Working conditions for foreign or migrant workers were similar to those of residents.

The law does not explicitly provide that workers can remove themselves from situations that endangered health or safety without jeopardy to their employment. Nevertheless, sections of the code on safety in the workplace and dismissal imply

that such a dismissal would be illegal. Authorities protected employees when violations of the law were reported.