

LESOTHO 2014 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. In 2012, following peaceful, credible, and transparent elections, Lesotho established its first coalition government. This was the country's first peaceful transfer of power between governments. The 2012 parliamentary elections gave no political party a majority. The then ruling Democratic Congress (DC) party won a plurality of the vote, but three other political parties--the All Basotho Convention (ABC), Lesotho Congress for Democracy (LCD), and the Basotho National Party (BNP)--won 61 seats in the 120-seat National Assembly and formed a coalition government, with the ABC's Motsoahae Thomas Thabane becoming prime minister. The coalition struggled during the year, and in June the LCD threatened to withdraw from the coalition to form a new government with the DC. The prime minister temporarily suspended Parliament (a constitutional maneuver called prorogation) in June rather than face a possible vote of no confidence.

On August 30, following Lesotho Defense Force (LDF) Commander Tlali Kamoli's August 29 dismissal, some members of the LDF attacked the Lesotho Mounted Police Service (LMPS) Headquarters, the Central Charge Office, and Mabote Police Station, killing one police officer and injuring nine. The prime minister, along with several political and security force leaders, fled to South Africa but returned September 3 under protection of the South African police. The parties subsequently agreed to reconvene Parliament October 17 and hold early elections in February 2015. Since the incidents on August 30, civilian authorities have struggled to assert effective control over the LDF. On November 21, Kamoli left the country for a leave of absence as required under the Maseru Security Accord, suggesting the government had reestablished some level of civilian control, although the extent of that control was unclear at year's end.

Cruel, inhuman, or degrading treatment, punishment, and torture by 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 took some steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government; however, impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports some LDF members committed arbitrary or unlawful killings. For example, soldiers on guard at the LDF commander's residence at Ha Leqele, Maseru, allegedly shot at a privately owned vehicle in May, killing a female passenger, Lisebo Tang, and seriously injuring the driver, Tsepo Jane. Authorities took no action against the perpetrators.

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 police.

The LMPS investigated eight reported cases of police allegedly torturing suspects. For example, the media reported that Ha Mokhalinyane Police, led by Sub-Inspector Thulo, allegedly assaulted and tortured 129 Ha Hlalele residents February 11, accusing them of obstruction of justice. According to a police spokesperson, police had gone to arrest a villager suspected of illegal firearm possession. After the arrest police discovered villagers had blocked their exit from the village with stones. The villagers then allegedly attacked police and freed the arrested individual. Police went back for reinforcements and when they returned, they detained everyone in the village, ultimately arresting 11. Residents claimed police dragged them out of their beds naked or seminaked and assaulted them with blunt weapons, including gun butts, sticks, and knobkerries (traditional wooden clubs used in herding). Residents also claimed police arrested 24 residents, including women, to whom they denied access to feminine hygiene products. Police also reportedly denied medical attention to seriously injured persons. Residents sued Prime Minister Thabane, who also is minister of police, for maloti 406,250 (\$35,295) for general damages, and the case continued at year's end.

Prison and Detention Center Conditions

Prison and jail conditions were poor due to lack of sanitation, heat, ventilation, lighting, prisoner rape, poor quality food, and some overcrowding.

Physical Conditions: As of August 30, the Lesotho Correctional Service (LCS) reported an adult prison population of 2,023 (1,963 men and 60 women), a pretrial detainee population of 404 (389 men and 15 women), and a juvenile population of 50 (36 boys and 14 girls). The prisons had a combined capacity of 2,936, but the LCS officials reported overcrowding at Maseru Central Prison, which had a capacity of 650 but at times held up to 850 inmates. Authorities held juveniles in different detention centers and separated males and females within adult and juvenile facilities. The law provides that pretrial detainees and convicted prisoners be held in separate facilities, and authorities respected this law.

Officials detained high-threat and military prisoners in a relatively high-security facility. Their conditions were otherwise similar to those of other prisoners.

The LCS reported no cases of prisoners brutalizing other prisoners. The head of the nongovernmental organization (NGO) Lesotho Ex-Offenders Association, however, stated prisoners regularly raped other prisoners, putting them at risk of HIV and other sexually transmitted diseases. An LCS commission of inquiry investigating prisoner abuse had not set a date to release its report. To prevent the spread of HIV, the LCS employed a full-time HIV/AIDS coordinator, and HIV testing, counseling, and treatment were available. The LCS provided condoms in all adult male and juvenile facilities. According to the LCS nursing staff, 31.4 percent of female prisoners were HIV positive, compared with a 27 percent rate in the general female population.

Five prisoners died in custody from natural causes. According to the LMPS, one suspect died in police custody after hanging himself in a police cell.

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. Prisoners received free medical care from government hospitals. Some correctional facilities owned ambulances to transport inmates for emergency medical care.

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 likely feared retaliation if they complained. The ombudsman made assessment visits to prisons, other correctional facilities, and jails from October 2012 through March 2013 but by year's end had yet to release a report.

Prisoners had reasonable access to visitors and practiced religious observance freely.

Prisoners and detainees have the right to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. From January to October, the LCS conducted two investigations on the alleged assaults of an inmate at Leribe Correctional Facility and on an inmate at the Maseru Female Juvenile Correctional Facility. Following disciplinary hearings in both cases, the LCS management dismissed the officer implicated in the Leribe assault case and placed two officers on special probation (meaning they would be terminated for a subsequent offense) at the Maseru facility. 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 services. The International Committee of the Red Cross (ICRC), the only independent organization observing prison conditions, postponed its planned September visit. In the past the ICRC limited its visits to Maseru Central Prison and the eight inmates convicted of attempting to assassinate the prime minister in 2009.

d. Arbitrary Arrest or Detention

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

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 (the army) maintains all external security and is authorized to assist police when the LMPS commissioner requests. The NSS is an intelligence service that provides information on possible threats in support of internal and external security. The LDF, LMPS, and NSS report to the prime minister, while the LCS reports to the minister of justice and correctional service.

Civilian authorities generally maintained effective control over the LMPS, NSS, and LCS. Former LDF commander Tlali Kamoli, however, defied the prime minister (who is also minister of defense) by continuing to function as de facto LDF commander following his dismissal. On November 21, Kamoli left Lesotho for a leave of absence as agreed to under the Maseru Security Accord.

Although there were no reports of impunity involving the NSS or LCS, there was a general public perception the LMPS did not hold its officers accountable for abuses they committed, including torture and corruption. In May 2013 Afrobarometer published results of its study assessing trust in institutions and perceptions of corruption. Fifty-five percent responded they trusted the police, a decline from recent years.

In April Deputy Commissioner of Police Masupha Masupha stated the LDF failed to comply with investigations related to a small group of LDF personnel. LMPS spokesperson Lebona Mohloboli announced that police had obtained arrest warrants for six commissioned and two noncommissioned LDF officers for their suspected involvement in the January 27 attacks on the residences of the police commissioner and the prime minister's partner. The LDF failed to comply with those arrest warrants.

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 the prime minister (also 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.

Between January and August, the prime minister (as minister of police) and the police commissioner referred eight cases to the PCA. The PCA completed two investigations during that period.

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 effectiveness continued to improve due to exercising its independent mandate and direct control of its budget granted in 2012. DCEO officials complained, however, of insufficient manpower and resources to investigate all complaints received. The DCEO remained confined to the capital since it did not have offices in the districts. The DCEO investigated reports of suspicious transfers of funds into the personal bank accounts of Deputy Prime Minister Metsing.

Of 142 cases reported to the DCEO from January through August, 69 were pending investigation. By year's end there were no convictions or acquittals.

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, present suspects in court within 48 hours, and notify their families of any detention. 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. The PCA did not investigate any case in which police allegedly failed to notify suspects of charges when arrested.

The law provides for bail, which authorities granted regularly and, in general, fairly. Defendants have the right to legal counsel. Authorities allow detainees prompt access to a lawyer and provided lawyers for indigents in all civil and criminal cases. Free legal counsel is 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. There were no reports of suspects detained incommunicado or held under house arrest. The law provides that authorities may not hold a suspect in custody for more than 90 days before a trial except in exceptional circumstances.

Pretrial Detention: Pretrial detainees constituted 19 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 55 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 the presumption of innocence.

In most cases suspects were informed promptly and in detail of the charges with free interpretation as necessary. In some cases, however, interpreters were not readily available, resulting in postponement of charges.

The law provides for a fair and public trial without delay. 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 usually delayed trials.

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 facilities 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 and evidence 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.

There were no reports the government failed to comply with civil court decisions pertaining to human rights.

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: 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.

In March police arrested and charged three opposition Democratic Congress activists, Ramahooana Matlosa, Lehloholo Mpobole, and Matsana Masiphole, with sedition for statements they made about the government on various radio stations. In August, Bokang Ramatsella, a member of the Lesotho People's Congress, was arrested and charged with sedition for allegedly stating the government officials representing Lesotho at the Southern African Development Community (SADC) summit in Victoria Falls were insane. Authorities released all four on bail pending trial.

Press Freedoms: The independent media were active and expressed a wide variety of views, generally without restriction. In January, however, Harvest Radio's proprietor and a presenter claimed they had received calls warning them of plans to kill them following a report on alleged abuse of funds involving former minister Molobeli Soulo. Harvest Radio also publicly accused the Communications Ministry of abusing its power by weakening the station's broadcast signal in the weeks following the August 30 political unrest.

There was no demonstrable difference in the treatment of print media, broadcast media, and publishing. The government could invoke multiple laws to control the media but did not do so. 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" and thus encourages self-censorship.

Violence and Harassment: Authorities did not generally subject journalists to imprisonment, or physical attack. Police, however, detained the editor and senior reporter of the newspaper *Lesotho Times* September 20 following the publication of a story entitled "Treason charges for Top Officials." Officials threatened to charge the two with defamation and sedition but subsequently released them without charge.

In July, four unidentified men attacked Tsenolo FM radio station presenter Tsokolo Toi and destroyed newly acquired equipment that had broadened the station's broadcast range. Tsenolo FM was highly critical of Prime Minister Thabane, although there was no confirmed link between its politics and the attack. The men entered the station and asked for the station's owner, Mohau Kobile. When he could not be located, they attacked Toi and smashed the station's equipment, forcing the station to go off air for two weeks. Toi survived the attack with minor injuries, and the station began broadcasting again after repairing the damage. Kobile estimated the cost of the damage at more than maloti 100, 000 (\$8,688). Authorities did not make any arrests.

Censorship or Content Restrictions: Due to a shifting political alliance, in June the state media ended its long news blackout of DC activities and stopped reporting on the prime minister and his ABC party for three months. Private media outlets, however, continued to cover all parties.

During the year there were allegations that the government blocked radio transmissions of privately owned stations. On August 30, during a military raid on three police stations, state-owned and private radio stations, which all rely on a

shared Lesotho National Broadcasting Services (LNBS) transmitter, were switched off from 2 a.m. to 10 a.m. The LNBS offered no explanation.

Libel Laws/National Security: Some journalists practiced self-censorship to avoid slander and libel lawsuits.

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 the lack of communications infrastructure and high cost of access. According to the International Telecommunication Union, 5 percent of the population used the internet in 2013.

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. On September 1, however, police denied LCD members permission to march to the prime minister's office to submit a petition urging him to reopen Parliament, citing security concerns.

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 United Nations 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 the UNHCR, during the year the government provided protection to 30 refugees and asylum seekers. The government did not expel or return refugees to countries where their lives or freedom would be threatened because of their race, religion, nationality, membership in a particular social group, or political opinion.

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

The constitution and law provide citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: During the 2012 national election, no single political party emerged victorious. The ABC obtained 30 seats, the LCD 26 seats, and the BNP five seats, thereby achieving the necessary threshold of 61 seats in the 120-seat National Assembly to form a new government. The ABC, LCD, and BNP formed a coalition government and ousted the ruling DC from power. The DC won 48 seats. The eight other parties that contested the elections garnered 11 seats.

In 2012 the country experienced its first peaceful transfer of power when Prime Minister Thabane of the ABC party was sworn into office. Domestic and international observers characterized the election as peaceful and conducted in a credible, transparent, and professional manner. Also for the first time, political party leaders signed a declaration accepting election results.

The LCD, a key member of the coalition, threatened to break away and form a coalition with the opposition DC in June. A political crisis followed. Following SADC-led negotiations, the parties reconvened Parliament on October 17 and agreed to hold early elections in February 2015.

Participation of Women and Minorities: No laws prevent women or minorities from voting or otherwise participating in political life on the same basis as men or nonminority 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 proportional representation seats must include equal numbers of women and men.

There were 33 women in the 120-seat National Assembly and nine women in the 33-seat Senate. The vice president of the Senate was a woman. There were eight women in the 30-member cabinet, and three of nine High Court judges were women. The new chief justice, appointed August 28, was a woman. The governor of the Central Bank of Lesotho and the chief executive of the Lesotho Highlands Development Authority were women.

Approximately 98.5 percent of the population is ethnic Basotho. There were no members of minorities 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: The DCEO is the independent agency charged with combating corruption. The three-month contract of the Ugandan judge seconded to the High Court by the Commonwealth to increase its capacity to try corruption cases expired in December 2013 without any prosecutions.

The office of Inspectorate Complaints and Discipline (ICD) is the branch of the LMPS responsible for combating police corruption and misconduct. The ICD claimed resource constraints hampered its ability to fulfill this mandate. The ICD investigated and charged seven officers, securing the dismissal of two. Charges included corruption, theft, and misdemeanors.

The Lesotho Revenue Authority (LRA) has two units focused on combating corruption: the Internal Affairs Unit, responsible for investigating corruption within the LRA, and the Investigations Unit, which investigates taxpayer fraud. The LRA coordinates with police and the DCEO through an interagency memorandum of understanding. The LRA was effective, independent, and adequately resourced.

On August 1, Deputy Prime Minister Mothetjoa Metsing, Minister of Communications, Science and Technology Selibe Mochoboroane, and three Maseru City Council officials appeared before a magistrate on fraud charges relating to a maloti 53million (\$4.6 million) procurement tender of road construction equipment. The charges were withdrawn on a technicality. The *Lesotho Times* alleged the DCEO was investigating Metsing in relation to maloti

446,000 (\$38,748) deposited in two bank accounts over a nine-month period. Metsing asked the Constitutional Court to declare unconstitutional 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, Moleleki, together with four executives of Refela Holdings, was charged 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 maloti 15 million (\$1.3 million) earmarked for electrification projects at mining sites to electrify villages in Moleleki's constituency.

Another pending case involved a former minister of energy, meteorology, and water affairs, Timothy Thahane, and Principal Secretary of Finance Mosito Khethisa. They faced fraud and corruption charges related to government procurements in 2010 when Thahane was finance minister. Authorities charged the two with misappropriating maloti 24 million (\$2.08 million) from a block farming program between 2006 and 2012. In 2013 Thahane was relieved of his cabinet position, becoming the first sitting minister in the country's history removed from office because of corruption allegations. Thahane's case was scheduled to be heard in late 2014 but was subsequently postponed to mid-2015.

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 with the law. 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, however, because it lacked adequate resources.

During the year, for the first time, mid-level civil servants and senior government officials declared assets and potential conflicts of interest. Previously, although the law had required such declarations, there were no administrative processes or forms to make declarations. 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 often were cooperative and responsive to their views.

Government Human Rights Bodies: The independent Office of the Ombudsman appeared to function without governmental 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.

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

The constitution and law prohibit discrimination based on race, color, sex, gender, disability, language, religion, political or other opinion, or social status. The law does not reference sexual orientation or gender identity, but other laws prohibit same-sex sexual activity between men. 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 are 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 cases were reported, police and the judiciary generally enforced the law promptly and effectively; however, sexual assault and rape were commonplace, and most incidents were not reported. From June 2013 to March (the most recent period for which data are available), 2,939 cases of rape and sexual assault were reported to the police Child and Gender Protection Unit

(CGPU). The Magistrate Court recorded 142 convictions between January and October.

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 these were not broken down by type of violence. Categorized as 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 CGPU and ministries 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, one campaign focused on teaching youth and parents how to report such offenses and access victim services. Campaigns and radio programs educating women about their rights took place throughout the year. The government had one shelter in Maseru for abused women.

Female Genital Mutilation/Cutting (FGM/C): The law does not address FGM/C, but it was not practiced in the country.

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 the NGO Women and Law in Southern Africa, 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 freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. In February a local NGO, in collaboration with 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 of 73 women, 24 were sterilized without their consent. 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. 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 UN Population Division estimated that 40 percent of women of reproductive age used a modern method of contraception in 2013.

According to UN estimates, the incidence of maternal mortality was 490 deaths per 100,000 live births in 2013, and a woman's lifetime risk of maternal death was one in 64. Approximately 15 percent of these deaths were AIDS related. The Lesotho Health Systems Assessment released in 2010 indicated that poor roads, lack of transport, and the lack of emergency obstetric care at many hospitals were also significant factors contributing to the high maternal mortality rate.

Discrimination: Except for inheritance rights, women enjoyed the same legal status and rights as men. The law prohibits discrimination against women under formal and customary, or traditional, law. Inheritance 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. In order to have legal standing in civil court, a couple must register a customary law marriage in the civil system.

On April 17, the Court of Appeal, a panel of five South African judges that sits twice a year, unanimously upheld the Constitutional Court's May 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.

Women's rights organizations took a leading role in educating women about their rights under customary and civil law, highlighting the importance of women's participation in the democratic process. Promoting the rights of women is among the responsibilities of the Ministry of Gender and Youth, Sports, and Recreation. 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. Children born 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 maloti 2.50 (\$0.22) is charged. In July 2013 the Ministry of Home Affairs began implementation of the National Identity Cards Act of 2011 by issuing identity cards to citizens over age 16. Applicants for these cards must submit new birth certificates with added security features. In September an Israeli company, Nikuv, suspended its printing of birth certificates, identity cards, and passports following a dispute over the unpaid maloti 34.7 million (\$3.1 million) service fee. The Ministry of Home Affairs contested the matter in the Commercial Court. Following an out-of-court settlement in November, Nikuv resumed services.

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. The law requires that parents enroll children in primary school beginning at age six. Authorities may impose a fine of not less than maloti 1,000 (\$87) or imprisonment on a parent whose child failed to attend school regularly. There were no reports of police fining 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 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 the media reported violence against students, teachers, and members of surrounding communities.

Early and Forced Marriage: The laws on child marriage are contradictory. 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. Customary law does not set a minimum age for marriage. According to UNICEF data collected between 2000 and 2009, an estimated 23 percent of women between the ages of 20 and 24 were married before age 18.

Female Genital Mutilation/Cutting (FGM/C): The law does not address FGM/C, but it was not practiced in the country.

Sexual Exploitation of Children: The law sets the minimum age for consensual sex at 18. The 1974 Marriage Act, however, states that "if the girl is 16 years of age, but is not yet 21, parental consent is required" for marriage. 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. Offenders convicted of trafficking children into prostitution are

liable to a fine of maloti two million (\$173,762) or up to life imprisonment. The court may apply the death penalty if a knowingly HIV-positive perpetrator sexually assaults a child who becomes infected.

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. According to a study by a local NGO, children often engaged in prostitution on their own initiative. UNICEF and government officials agreed that while the numbers remained small, the commercial sexual exploitation of children was a growing problem.

Institutionalized Children: In 2013 the Ministry of Social Development closed Insured Salvation Orphanage, Malibuseng Orphanage Home, and Rachel Orphanage due to their failure to maintain the required orphan-to-caregiver ratio. Despite the fact that Insured Salvation Orphanage received financial assistance from the government, donors, and entrepreneurs, the children were vulnerable and neglected. They were forced to form gospel choirs and sing for donations next to shopping complexes. At Rachel's Orphanage, the children were not properly fed, had to wake up as early as 3 a.m. to do chores, and slept on cement floors as punishment.

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 in 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 visual disabilities) were not widely available. Service providers in the government or private sector did not provide sign language interpreters, 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 visual 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 that persons with disabilities experienced societal abuse. Although there were no publicly reported cases of such abuse in prisons, educational facilities, or mental health facilities, abuse likely occurred.

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, and transgender (LGBT) persons faced societal discrimination and official insensitivity to this discrimination. LGBT rights groups complained of discrimination in access to health care and participation in religious activities. Same-sex sexual relationships were taboo in society and not openly discussed. LGBT persons often did not report incidents of violence due to fear of stigma.

Matrix, an LGBT support group, operated freely and had members in all 10 districts. Matrix reported having a good working relationship with the LMPS; in a

June incident, during which a member of Matrix was assaulted, police responded quickly and arrested the perpetrators.

Matrix engaged in public outreach through film screenings, radio programs, and other social media. On May 17, Matrix organized the second annual gay parade, led by Ms. Gay Princess Lesotho. Approximately 200 persons, mainly family and friends of LGBT persons, marched peacefully and without incident from the national stadium through downtown Maseru. Matrix representatives noted that police officers escorting the march were generally supportive, which they attributed to Matrix's previous outreach efforts to the LMPS.

HIV and AIDS Stigma

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 living with HIV (see section 6, Reproductive Rights). More than 80 percent of the population, however, stated that 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 (HAART) 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 lack of a dedicated law addressing the issue. Widespread discrimination and stigma persisted.

Access to HAART increased slightly, with 98,379 persons on treatment. Authorities acknowledged this was far lower than the target needed to control the epidemic. To widen access to ARV medication, Minister of Health Pinkie Manamolela reopened the Bophelong Antiretroviral Treatment Center to provide

comprehensive services to persons around Maseru. This expansion, however, was offset by the closure of a workplace program that provided services to 6,000 HIV-positive garment industry workers at their place of work.

Other Societal Violence or Discrimination

The media reported incidents of mob violence targeting suspected criminals. For example, on October 14, residents at Ha Lesia, Thetsane, beat two suspected electrical cable thieves, killing one of them.

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.

Despite their efforts to enforce applicable laws, the government did not effectively enforce them due to lengthy procedural delays and appeals. Cases lodged at the Department of Labor, the Directorate of Dispute Prevention and Resolution, and the Labor Court took an average of nine months to resolve, with some cases taking up to 18 months. The delays were due to limited staffing and resources within the three institutions.

Employers sometimes violated rights to freedom of association and collective bargaining. According to union officials, contrary to the law stipulating that employers allow union officials reasonable facilities for conferring with employees, some employers denied access to union officials, even during lunch breaks. 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. The fragmented labor movement had multiple unions competing for membership among workers. Most unions focused on organizing apparel workers. All worker organizations were independent of the government and political parties except the Lesotho Workers Party-affiliated Factory Workers Union. Union officials reported the majority of employers bargained only with unions that represented at least 50 percent of their staff. The Labor Commissioner's Office reported that the fragmented union movement did not influence labor market decisions.

Unions alleged most factory owners in the apparel industry remained opposed to unionization. In the retail sector, employers generally respected freedom to associate and the right to bargain collectively, although retail unions complained that employers refused to comply with some labor court rulings. Both locally and foreign-owned businesses lacked a full understanding of the labor code's provisions regarding the right to form labor unions.

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. Unlike in the previous year, there were no reports of factory owners blacklisting union members.

In April workers at Crabtree, an electrical accessories manufacturer, struck for four weeks, demanding a 30 percent salary increase; management approved a 10 percent raise.

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 joined the association. This low rate of participation made it difficult for LEPSSA to engage with the government on workers' rights problems. LEPSSA reported some civil servants of higher grades intimidated those of lower grades into not joining the association. The intimidation reportedly included threats of dismissal or transfer for noncompliance. In June the Lesotho Police Staff Association, together with LMPS management, successfully negotiated adoption of a new police structure that increased the number of LMPS ranks and improved police salaries.

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. Resources, inspections, and remediation were inadequate. Police reported that inadequate resources hampered their investigations and remediation efforts. Penalties for violations, including maloti two million (\$173,762) or 25 years' imprisonment, were sufficient to deter violations.

Police reported isolated incidents in which women and children were subjected to domestic servitude.

The Child and Gender Protection Unit of the police conducted community outreach through radio programs on forced labor. The newly established Human Trafficking Unit of the police targeted high schools to raise awareness on human trafficking and other forms of forced labor. Police identified four potential trafficking victims in 2013--a reduction from eight identified in 2012--and referred two victims to an NGO shelter for care. In 2013 the government initiated prosecutions under the act involving three suspected trafficking offenders for their alleged involvement in labor or sex trafficking. Authorities prosecuted one suspect in an internal trafficking case involving Basotho boys in cattle herding, and in a separate case, another suspect was tried for forcing a Mosotho boy to sell drugs. Authorities charged a Mosotho woman under the act for alleged involvement in attempting to transport a Mosotho girl to South Africa for the purposes of prostitution; the woman remained in jail pending trial at year's end. In addition to these three defendants, at least one suspect in a separate trafficking case remained free and was not arrested or charged by officials.

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 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 for the commercial sexual exploitation of children, which is punishable by a fine of up to maloti 30,000 (\$2,606) 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 maloti 20,000 (\$1,738) or imprisonment not exceeding 20 months. While the law protects children working in the informal economy, self-employed children are excluded from the 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 labor commissioner also noted the difficulty of tracking child labor because the Ministry of Labor and Employment had only 38 labor inspectors, who did not specifically focus on child labor. The ministry held no workshops to train labor inspectors on how to identify child labor in the workplace. Penalties for violations, including a fine not exceeding 20 000 maloti (\$1,738) or imprisonment for a period not exceeding 20 months, were sufficient to deter violations, but poor enforcement decreased the threat of sanction significantly. As of December the Action Plan for the Elimination of Child Labor was not tabled before cabinet.

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 because it was estimated that the highest 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 that reportedly provided 482 herd boys with basic education.

The Ministry of Labor and Employment completed approximately 1,330 labor inspections as of August 30. Those inspections did not identify any cases of child labor. The inspections, however, were only of formal businesses and thus did not identify domestic workers and herd boys.

The Ministry of Labor and Employment and the CGPU continued to disseminate information on prevention of child labor as part of their other programs but did no child labor-specific outreach.

The most recent data available from the Bureau of Statistics, the 2008 Labor Force Survey, reported that 3 percent of children ages six to 14 participated in economic activities; this statistic did not include children aiding their families or others without compensation. 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).

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 or 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. Women faced discrimination in employment, business, and access to credit. For example, female workers in textile factories reported being assigned to undesirable tasks if they refused sexual advances made by their male supervisors. 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.

Discrimination in employment and occupation also occurred against those who were HIV positive (see section 6).

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 maloti 1,178 (\$102) to maloti 1,285 (\$112). The Lesotho Bureau of Statistics official estimate for the poverty income level was maloti 149 (\$13) 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 that 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 maloti 200 (\$17) or up to six months' imprisonment--were insufficient to deter violations. The commissioner of labor is charged with investigating allegations of labor law violations.

Labor inspectors generally conducted unannounced inspections of a random sample of workplaces on a weekly basis. Inspectors conducted inspections in mountain districts, however, on a quarterly 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 did not always observe the minimum wage, hours of work, and health and safety standards. Employers in the security and retail sectors were the worst violators. They mentioned that many locally owned businesses did not keep employees' records to facilitate labor inspections as required by law. Smaller

employers failed to appoint or train registered health and safety officers, 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. 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 that 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. For example, the Apparel Lesotho Alliance to Fight AIDS (ALAFA) described HIV/AIDS as the primary occupational health risk in the apparel sector. ALAFA ceased its operations in May. Some of the larger factories were making arrangements to maintain health services at the workplace. Where factories did not provide health care, workers had the right to access services at public health centers. In 2013 the alliance reported 43 percent of the primarily female workforce was infected with HIV. 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; however, 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 mentioned that penalties were not sufficient to deter violations. The BWL supported Ministry of Labor and Employment inspection efforts by sharing instances 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 no claims of workplace fatalities and accidents during the year; however, ministry representatives stated workplace fatalities and accidents were likely underreported. There were no major industrial accidents.

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; however, sections of the code on safety in the workplace and dismissal imply that such a dismissal would be illegal. Nonetheless, authorities did not effectively protect employees in this situation.