

LESOTHO 2021 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 2017 then prime minister Pakalitha Mosisili of the Democratic Congress Party lost a vote of no confidence and the snap election that followed. All major parties accepted the outcome, and Motsoahae Thomas Thabane of the All-Basotho Convention party formed a coalition government and became prime minister. Mosisili transferred power peacefully to Thabane, and Mathibeli Mokhothu assumed leadership of the opposition. Local and international observers assessed the election as peaceful, credible, and transparent. In May 2020 Thabane's coalition government collapsed, and the All-Basotho Convention party and the Democratic Congress Party formed a new coalition government. Former finance minister Moeketsi Majoro replaced Thabane as prime minister.

The security forces consist of the Lesotho Defense Force, Lesotho Mounted Police Service, National Security Service, and Lesotho Correctional Service. The Lesotho Mounted Police Service is responsible for internal security. The Lesotho Defense Force maintains external security and shares some domestic security responsibilities with police and the National Security Service. The National Security Service is an intelligence service that provides information on possible threats to internal and external security. The Lesotho Mounted Police Service reports to the minister of police and public safety; the Lesotho Defense Force and National Security Service to the minister of defense; and the Lesotho Correctional Service to the minister of justice and law. Civilian authorities generally maintained effective control over the security forces. There were credible reports that members of the Lesotho Mounted Police Service and Lesotho Defense Force committed some human rights abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture and cases of cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary arrest or

detention; serious government corruption; lack of investigation of and accountability for gender-based violence, including but not limited to domestic or intimate partner violence, sexual violence, child, early and forced marriage, and other harmful practices; trafficking in persons; and the existence of laws criminalizing consensual same-sex sexual conduct between adults, although not enforced.

While impunity was a problem, the government had mechanisms in place to identify and punish officials who may have committed human rights abuses and corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports members of the Lesotho Mounted Police Service (LMPS) committed arbitrary or unlawful killings. The Police Complaints Authority (PCA) investigates allegations of police misconduct and abuse. The PCA, however, was ineffective because it lacked authority to fulfill its mandate: It could only investigate 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.

Reported cases of deaths in police custody declined during the year. There were several reported abuses similar to the following example, however. On September 2, Thetsane Police Station officers in Maseru arrested Tseliso Sekonyela on suspicion of liquor theft. On September 3, Sekonyela's mother was allowed to meet with her son. She stated that he alleged police had beaten him and that, in her presence, a police officer had threatened to break her son's ribs. On September 4, police delivered Sekonyela's body to a morgue without explanation for the cause of death. The autopsy report revealed that Sekonyela's ribs and a leg were broken, his neck had strangulation marks, and he had suffered severe internal bleeding. Minister of Police Sekola categorized the killing as suspected murder and Deputy Prime Minister Mathibeli Mokhothu announced that an investigation was being

conducted. At year's end three police officers were on suspension pending completion of investigation of Sekonyela's death.

In July 2020 three police officers of the Flight One Station in Maseru allegedly beat Thabiso Molise to death. On April 19, police officers Moejane, Ngatane, Pompo, and Posholi appeared before the Maseru Magistrate Court on charges of murdering Molise. The court released them on bail; no trial date had been set by year's end.

In December 2020 former police officers Moeketsi Dlamini and Monaheng Musi were convicted of the 2017 murder of Thibello Nteso and on January 13, were sentenced to 20 years' imprisonment.

b. Disappearance

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

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

The constitution states that no person shall be subjected to torture, inhuman or degrading punishment or other treatment, and the penal code lists torture as a crime against humanity. Nevertheless, there were credible reports police tortured suspects and subjected them to cruel, inhuman, or degrading treatment or punishment.

There were numerous reported abuses similar to the following examples. On August 30, the Moafrika Community Broadcasting Service reported police officers of the Robbery and Crime Theft Squad beat and suffocated Moeketsi Monapathi to coerce confessing to killing a police officer. Justice Maseforo Mahase rebuked the police officers for beating suspects and ordered them to release Monapathi.

On November 24, videos circulated on social media showed police trainees beating individuals for failure to wear masks, jaywalking, and other transgressions. The videos sparked widespread public criticism of LMPS "heavy-handed" training tactics. LMPS officials apologized for the incidents later that day, calling the behavior "unacceptable" and affirming disciplinary action would be taken against

the officers. Police appealed to victims of abuse to report such incidents to the Office of Inspectorate, Complaints, and Discipline at police headquarters. On November 25, the prime minister strongly condemned the actions and stated he had ordered Police Minister Sekola and Police Commissioner Holomo Molibeli to review the police training program and take appropriate action against trainees involved in the incidents.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding in most facilities; deteriorating infrastructure; physical abuse and inmate-on-inmate violence, including rape; and poor food quality, clothing, sanitary conditions, medical care, ventilation, lighting, and heat.

Physical Conditions: The Lesotho Correctional Service (LCS) reported facilities in Maseru, Leribe, and Berea were overcrowded. Overcrowding at prisons was attributed to high crime rates among the unemployed. During the year the LCS released 119 of a total of 1,598 prison-system inmates to reduce potential COVID-19 infections. Additionally, it released 100 inmates on special holidays. The nongovernmental organization (NGO) Transformation Resource Center (TRC) observed that infrastructure deterioration rendered some prison facilities uninhabitable. The TRC stated there was a shortage of masks and soap in response to the COVID-19 pandemic in LCS facilities.

In February LCS senior cadet officer Pheko Ntobane acknowledged prison overcrowding and that the LCS had agreed with magistrate courts and police to reduce overcrowding by only detaining persons suspected of committing serious crimes. In June, Commissioner Mating Nkalala told *Lesotho Times* newspaper that allegations of overcrowding in LCS facilities were exaggerated but admitted inmate numbers did not permit adherence to World Health Organization's COVID-19 pandemic social distancing protocols.

Authorities stated prisoners submitted two complaints of physical abuse by correctional officers during the year. The police commissioner placed 11 prison officers on one year of probation for the assault of an inmate at the Thaba-Tseka facility. An officer at Mohale's Hoek facility was placed on six months' probation

for assault of an inmate. Nevertheless, the TRC noted inmate reluctance to file complaints because prison authorities often failed to respond to them.

Inmate-on-inmate violence continued to be a problem. For example, the LCS reported the assault of an inmate at Leribe Prison by two gang members; one of the attackers was placed in solitary confinement and the other received a warning. In January 2020 the newspaper *Sunday Express* reported that former LCS commissioner Thabang Mothepu called on LCS superintendent Tuoata Makoetje to explain the death of an inmate from physical abuse by prison officers because he sodomized another inmate. Mothepu ordered an investigation, which continued at year's end.

Rape and consensual unprotected sex by prisoners contributed to a high rate of HIV/AIDS infection in prisons. In 2018 the newspaper *Lesotho Times* quoted Superintendent Limpho Lebitsa's statement, "A lot happens behind bars and away from the eyes of prison officers." The LCS reported one case during the year in which two inmates raped another inmate. It referred the case to police for investigation. The case remained under investigation at year's end.

All prisons had a nurse and a dispensary to attend to minor illnesses, but health care was inadequate. Prisons lacked medical units that operated 24 hours a day; as a result, guards confined sick prisoners to their cells from 3 p.m. to 6 a.m. Although prisons provided potable water, sanitation was poor in the Mokhotlong, Berea, Quthing, and Qacha's Nek prisons. Prisons generally lacked bedding, lighting, and proper ventilation; heating and cooling systems did not exist.

Unlike in 2020 there were no food shortages; however, prison food quality remained poor. The NGO Crime Prevention, Rehabilitation, and Reintegration of the Prisoners Association stated that LCS officers refused to grant the association permission to provide Mozambican foreign inmates with food and other assistance permitted for Lesotho national prisoners from relatives or friends.

The LCS reported seven deaths attributed to natural causes, not from malnutrition or other prison conditions.

In 2019 corporals Motsieloa Leutsoa and Tsitso Ramoholi petitioned the High Court for release on bail, citing gross overcrowding and generally deplorable

prison conditions. They complained that cells designed to hold four to five inmates held as many as 20 inmates at a time. They also stated there were only enough mattresses for one-third of the inmate population, tuberculosis and other diseases were rampant, and it took up to a week to access a doctor.

Authorities did not institute safeguards or other measures to protect the rights or accommodate the needs of prisoners with disabilities. Prison buildings lacked ramps, railings, and other features facilitating physical access for prisoners with disabilities.

Administration: The LCS investigated reports of inmate-on-inmate violence and physical abuse by correctional officers. Authorities took some disciplinary action. The Office of the Ombudsman stated it received no complaints related to prison conditions and treatment from prisoners during the year. Prisoners were often unaware they could file complaints, which had to be submitted through prison authorities, creating the possibility of retaliation against complainants.

Independent Monitoring: Representatives of the Lesotho Red Cross, the TRC, churches, the business community, and the courts visited prisoners. Visitors were allowed contact with inmates and to provide them with food, medicine, and personal hygiene products in accordance with COVID-19 pandemic mitigation measures.

Improvements: The LCS reroofed, plastered, and painted the Mohale's Hoek Correctional Institution. It expanded the health unit and added a multipurpose hall and a workshop.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. In 2019 Chief Magistrate Matankiso Nthunya stated police often detained individuals improperly and attempted to refer cases for prosecution based on insufficient evidence. Nthunya added that in many cases police sought to punish defendants

for unknown reasons unrelated to any substantiated criminal offense.

Arrest Procedures and Treatment of Detainees

The law requires police, based on sufficient evidence, to obtain an arrest warrant from a magistrate prior to making an arrest on criminal grounds. Police arrested suspects openly, informed them of their rights, and brought those charged with a crime before a judicial officer. By law police are required to inform suspects of charges against them upon arrest and present suspects in court within 48 hours. According to media, police did not always inform suspects of charges upon arrest and detained them for more than the prescribed 48 hours. For example, on August 27, Judge Maseforo Mahase ordered the release of Moeketsi Monapathi who police had detained from August 23-27, more than the prescribed 48 hours. Following court proceedings, a police officer allegedly threatened Monapathi's lawyer, warning that she should carefully select her cases.

Apart from exceptional rare circumstances, by law authorities may not hold a suspect in custody for more than 60 days before a trial. The law provides for bail, which authorities granted regularly and, in most cases, fairly.

Defendants have the right to legal counsel. Authorities generally allowed detainees prompt access to a lawyer. The Legal Aid Division under the Ministry of Justice and Law and NGOs offered free legal assistance, but it did not have the capacity to provide counsel to all indigent detainees.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. Arbitrary arrest and detention were continuing problems. In 2019 Chief Magistrate Nthunya stated police often detained individuals improperly and attempted to refer cases for prosecution based on insufficient evidence. Nthunya added that in many cases police sought to punish defendants for unknown reasons unrelated to any substantiated criminal offense.

Pretrial Detention: Pretrial detainees constituted 28 percent of the prison population. The average length of pretrial detention was 90 days, after which authorities usually released pretrial detainees on bail pending trial. Pretrial detention sometimes lasted for years, however, due to judicial staffing shortages,

unavailability of legal counsel, inadequate forensic capacity, or negligence. In September a judge attributed some of the delays to a shortage of medical pathologists in the country. The judge stated some cases were dismissed due to lack of credible postmortem evidence required to establish the cause of death. In 2019 former acting chief justice Maseforo Mahase visited the Maseru Prison and discovered pretrial detainees who had been imprisoned for up to eight years without charge. On August 6, Chief Justice Sakoane ordered prosecutors not to apply for extended detention of defendants that unjustifiably delayed trials.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and unlike in 2020 the government generally respected judicial independence and impartiality. Nevertheless, Chief Justice Sakoane stated that the limited number of judges and other resources adversely impacted expeditious dispensation of justice. Unlike in 2020 there were no instances in which authorities failed to respect court orders.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right.

Criminal defendants enjoy the right to a presumption of innocence. In most cases officials informed defendants promptly and in detail of the charges against them with free interpretation as necessary during proceedings at the magistrate and High Court levels but not at other points in the criminal justice process. By law the free assistance of an interpreter is not required for Court of Appeal cases. In some cases interpreters were not readily available, resulting in delays in the filing of charges. Trial delays resulted from a large backlog of cases due to an inadequate number of judges, the failure of defense attorneys to appear in court, defendants changing legal counsel, and motions for recusal of judges. Defendants have the right to be present at their trial, to communicate with an attorney of their choice, and have adequate time and facilities to prepare a defense. 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 a magistrate's court, but the High Court requires a lawyer present evidence.

Defendants may not be compelled to testify or confess guilt and may appeal a judgment.

In civil and criminal matters, a single judge normally hears cases. In constitutional, commercial, and appeal court cases, more than one judge is assigned. By law civil and criminal trials are open to the public.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts.

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

The constitution and law 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 to enter homes and other places without a warrant if the situation is life threatening or there are “reasonable grounds” to suspect a serious crime has occurred. Additionally, the law states any police officer of the rank of inspector or above may search individuals or homes without a warrant.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

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

Unlike in 2020, there were no reports the government failed to respect judicial independence.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media practiced self-censorship due to their dependence on government advertising revenue and access to broadcast towers but otherwise expressed a wide variety of views without restriction. The law provides for the right to obtain and impart information freely, but only if it does not interfere with “defense, public safety, public order, public morality, or public health.”

On June 16, the Media Institute of Southern Africa (MISA) expressed its concern regarding proposed legislation mandating the Lesotho Communications Authority to establish and maintain a database containing personal information. MISA argued that making personal data easily accessible to security agencies without judicial consent could violate privacy rights and limit individual rights to free expression.

Violence and Harassment: On August 20, police briefly detained and released journalist Kananelo Boloetse and two other individuals for organizing a protest against the provision of fuel allowances for members of parliament. On September 22, the three met with members of a parliament portfolio committee. The committee subsequently recommended an independent review of the conditions of service, remuneration, and benefits of members of parliament and staff. The review had yet to be initiated by year’s end.

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.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, but the law requires organizers to obtain permits seven days in advance for public meetings and processions. Since April 2020 COVID-19 pandemic regulations have prohibited marches and demonstrations. In May police declined to issue a permit to labor organizations for a march.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Status and Treatment of Internally Displaced Persons

Criminal gang retaliation against communities have caused displacement of residents (see section 6, Other Societal Violence or Discrimination). Internally displaced persons (IDPs) have reportedly been denied burial sites and access to grazing land for their livestock. There were reports of IDP children being abused at schools.

The Lesotho Highlands Development Project, the Metolong Dam Project, and the Ministry of Mining have policies to ensure the safe, voluntary local integration of IDPs displaced by developmental projects. According to the government, some IDPs relocated to villages and were provided accommodations. The government was assessing the worsening IDP situation; there was no system in place to pay for

the return of IDPs to their homes at year's end.

f. Protection of Refugees

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

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.

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 held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2017 the parliament passed a motion of no confidence in the prime minister, triggering a chain of events that led to early elections. In 2017 parliamentary elections were held in which the opposition All Basotho Convention (ABC) party won 51 of 120 seats and formed a coalition government with the Alliance of Democrats, the Basotho National Party, and the Reformed Congress of Lesotho. Former prime minister Pakalitha Mosisili peacefully handed power to Motsoahae Thomas Thabane and stepped down from party leadership.

Domestic and international observers characterized the election as peaceful and conducted in a credible, transparent, and professional manner. Observers expressed concern, however, regarding Lesotho Defense Force (LDF) presence at polling places in some constituencies. There were no reports of the LDF directly interfering in the electoral process.

In April 2020 then prime minister Thabane suspended parliament. He cited the COVID-19 pandemic as the reason, but most observers viewed the measure as a

means of preventing parliament from passing a constitutional amendment to curb the prime minister's power to unilaterally dissolve parliament and call snap elections if he lost a vote of no confidence. The ABC (Thabane's party) and coalition partner the Basotho National Party challenged the suspension in the High Court. The court ruled that Thabane had "exercised his advisory power in an arbitrary and irrational manner" and ordered the reopening of parliament. In May 2020 the coalition government collapsed. The ABC formed another coalition with the Democratic Congress Party, and former minister of finance Moeketsi Majoro became prime minister and Democratic Congress Party leader Mathibeli Mokhothu deputy prime minister.

On August 25, Basotho Patriotic Party leader Tefo Mapesela filed a motion of no confidence in the prime minister, proposing the Alliance of Democrats party leader Monyane Moleleki as his replacement. His motion was approved, but not through secret ballot as Mapesela requested. He subsequently filed an application urging the Constitutional Court to compel the speaker of the National Assembly to conduct proceedings through secret ballot. On November 16, the court heard arguments on the matter but had yet to issue a ruling by year's end.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and women did participate. There were no members of racial or ethnic minority groups, persons with disabilities, or known lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons, however, in the National Assembly, Senate, or cabinet. 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, but it does not mention LGBTQI+ persons. Party lists for the 40 proportional representation seats in the National Assembly must include equal numbers of women and men.

Section 4. Corruption and Lack of Transparency in

Government

The law provides criminal penalties for conviction of corruption by officials. The government did not implement the law effectively, and some officials engaged in corrupt practices with impunity.

Corruption: There were numerous reports of government corruption similar to the following examples. On February 22, the prime minister suspended Director of Corruption and Economic Offences Mahlomola Manyokole following his February 18 appearance before the Maseru Magistrate Court on money laundering, corruption, and abuse of power charges. Manyokole had yet to be tried by year's end.

On June 15, the *Lesotho Times* newspaper reported that the Directorate on Corruption and Economic Offences advised the attorney general's office in a June 9 confidential memorandum that a 1.7 billion maloti (\$121 million) solar energy deal between Frazer Solar and the government was marred by corruption. Temeki Tsolo, a member of former prime minister Thabane's cabinet allegedly committed the government to the energy deal without cabinet approval.

On September 25, Minister of Finance Thabo Sophonea announced that during the week of September 20, the ministry discovered fraudulent transactions involving ministry employees and other individuals amounting to 50 million maloti (three million dollars). On November 15, Police Commissioner Molibeli announced indictments of Lehlohonolo Selate, Ntseliseng Lawrence, Mookho Rafono, Tlali Mokoaleli, Thabang Nkoe, Hlabathe Phafoli, Thithili Makhesi, Maqoboto Lepolesa and Fako Molefe. Except for Selate, who was a suspect in other criminal cases, Chief Magistrate Nthunya released the defendants on bail.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. According to some local NGOs, government officials were somewhat cooperative and responsive to their views; however, the TRC stated the

government needed to take concrete action against the perpetrators of abuses.

Government Human Rights Bodies: The mandate of the independent Office of the Ombudsman is to receive and investigate complaints of government maladministration, injustice, corruption, and human rights abuses, and to recommend remedial action where complaints are justified.

The TRC continued its campaign for the establishment of a human rights commission meeting international standards. On May 28, Minister of Justice Lekhetho Rakuoane submitted a bill to parliament for the establishment of a National Peace and Unity Commission empowered to “facilitate the granting of amnesty to persons who make full disclosure of all relevant facts relating to gross human rights violations and political offences.” The government’s initiative also calls for public hearings and awarding compensation to victims. Civil society organizations urged consultations with a broad range of stakeholders, including victims.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes the rape of women or men, including spousal rape, and domestic violence. Rape convictions carry a minimum sentence of 10 years’ imprisonment. Sexual assault and rape were commonplace, and according to local and international NGOs, most incidents went unreported. When informed, police generally enforced the law promptly and effectively; however, those cases prosecuted proceeded slowly in the judiciary.

Domestic violence against women was widespread. There were numerous reported abuses. On February 20, police officer Lebohang Moletsane allegedly stabbed and killed his estranged wife Malimpho Moletsane at Thoteng Village in Mohale’s Hoek District. Moletsane had previously assaulted her and burned her belongings, claiming infidelity. She filed a lawsuit against him and Moletsane allegedly killed her before her case went to trial.

On November 30, High Court assistant registrar Tebello Mokhoema conducted a preliminary interview in preparation for the trial of former prime minister Thabane

on charges of four counts in relation to the 2017 killing of his estranged wife Lipolelo Thabane and the attempted killing of Thato Sibolla who was travelling with Lipolelo at the time of her death. The charges are murder, conspiracy to commit murder, attempted murder (of Thato Sibolla), and destruction of property. The trial is scheduled for March 2022.

Advocacy and awareness programs by the LMPS Child and Gender Protection Unit (CGPU), ministries, and NGOs sought to change public perceptions of violence against women and children by arguing violence was unacceptable. The prime minister also spoke strongly against rape and other forms of gender-based violence. On April 6, Minister of Gender Likeleli Tampane submitted the Counter Domestic Violence bill to parliament specifically addressing police investigation of reported incidents of domestic violence.

The government had one shelter in Maseru for abused women. The shelter offered psychosocial services but provided help only to women referred to it. Most survivors of gender-based violence were unaware of the shelter. Minister Tampane stated gender-based violence increased markedly during the COVID-19 pandemic.

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. If a perpetrator's family was wealthy, the victim's parents often reached a financial settlement rather than report the incident to police or allow the case to proceed to trial.

Labia elongation – the act of lengthening the labia minora (the inner lips of female genitals) through manual manipulation (pulling) or physical equipment (such as weights) – was practiced. According to the NGO Federation of Women Lawyers, labia elongation was not a common practice.

Sexual Harassment: The law criminalizes sexual harassment; however, victims rarely reported it. Penalties for those convicted of sexual harassment are at the discretion of the court. Police believed sexual harassment to be widespread in the workplace and elsewhere (see section 7.e.). There were numerous reported abuses similar to the following example. In June the *Lesotho Times* newspaper reported

that suspended Lesotho Communications Authority chief executive officer Mamarama Matela alleged that on April 15, former communications minister Keketso Sello sexually harassed her. She claimed that he demanded sexual favors from her and stated that if she did not comply, she would be fired. On May 24, Matela filed a sexual-offense complaint with police, and on June 4, the prime minister transferred Sello to the Ministry of Public Service.

Due to COVID-19 pandemic lockdown measures, the Maseru Magistrate Court delayed setting a trial date for the sexual harassment case filed in July 2020 by Police Inspector Makatleho Mpheto against Deputy Police Commissioner Paseka Mokete. On October 25, the trial began and continued at year's end.

The CGPU produced radio programs to raise public awareness of the problem of sexual harassment.

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

Social and cultural barriers, but no legal prohibitions, limited access to contraception and related services. There was access to modern contraception for a minimal fee; male and female condoms were readily available free of charge.

The government provided access to sexual and reproductive health services informed by guidelines for medicolegal care to survivors of sexual violence, including emergency contraception as part of the Ministry of Health's management of rape.

According to the *2014 Lesotho Demographic and Health Survey*, which contains the most recent data available, the maternal mortality rate was 102 per 100,000 live births. The high maternal mortality rate was primarily attributed to health-system limitations. The survey identified a correlation between education, wealth, and contraceptive use; women with living children were more likely than those without living children to use contraceptives. In remote areas some women relied on traditional medicine rather than skilled providers during their pregnancy.

Discrimination: Except regarding employment and inheritance rights, women enjoy the same legal status and rights as men. The law prohibits discrimination

against women in marriage, divorce, child custody, employment, access to credit, pay, owning or managing businesses or property, education, the judicial process, and housing. There were no reports women were treated differently from men regarding employment, including regarding working hours in most occupations and job tasks; however, there were legal limitations on the employment of women in some industries, such as mining. Women have the right to execute a last will and testament and to sue for divorce. A customary law marriage does not have legal standing in a civil court unless registered in the civil system.

Although civil law provides for women to have inheritance, succession, and property rights, customary law does not permit women or girls to inherit property and takes precedence over civil law in property disputes.

According to the Lesotho Federation of Women Lawyers, the government enforced the law in urban areas but deferred to customary law in rural areas.

Systemic Racial or Ethnic Violence and Discrimination

According to the constitution, every citizen enjoys fundamental human rights and freedoms regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. There were no reports of violence or discrimination against racial or ethnic minority groups.

Children

Birth Registration: According to the constitution, birth within the country's territory confers citizenship. The law stipulates registration within three months of birth but allows up to one year without penalty.

Education: By law primary education, which ends at grade seven, is universal, compulsory, and tuition free beginning at age six. The Ministry of Education and Training set the maximum age for free primary education at 13. Secondary education is not free, but the government offered scholarships to orphans and other vulnerable children. Authorities may impose a nominal monetary fine or imprisonment of parents convicted of failing to assure regular school attendance by

their children.

Child Abuse: While the law prohibits child abuse, it was a continuing problem, especially for orphans and other vulnerable children. The penalties for conviction of ill treatment, neglect, abandonment, or exposure of a child to abuse are no more than two months' imprisonment and a nominal monetary fine. Neglect, common assault, sexual assault, and forced elopement occurred.

The Maseru Magistrate's Court has a children's court as part of a government initiative to protect children's rights. The CGPU led the government's efforts to combat child abuse. The CGPU sought to address sexual and physical abuse, neglect, and abandonment of children, and to protect the property rights of orphans. It also advocated changing cultural norms that encourage forced elopement.

Child, Early, and Forced Marriage: Civil law defines a child as a person younger than age 18 but provides for a girl to marry at age 16. Customary law does not set a minimum age for marriage. During the year the Ministry of Social Development conducted public awareness campaigns against child marriage in several districts. On May 20, Minister of Social Development Matebatso Doti stated that girls were particularly vulnerable to child marriage and early pregnancy during the COVID-19 pandemic lockdown period.

Sexual Exploitation of Children: The law sets the minimum age for consensual sex at 18. On January 14, the Anti-Trafficking in Persons Amendment Act of 2021 went into force. The act criminalizes all forms of sex trafficking and removes the option of a monetary fine instead of imprisonment if convicted. Anyone convicted of an offense related to the trafficking of children is liable to a sentence of up to life imprisonment. Conviction of child pornography carries a similar sentence. The antitrafficking law criminalizes trafficking of children or adults for the purposes of sexual or physical exploitation and abuse. Offenders convicted of trafficking children for commercial sex are liable to a sentence of life imprisonment. The death penalty may be applied if an HIV-positive perpetrator is convicted of knowingly infecting a child. Although police stated there were no

reported cases of sexual exploitation of children, they believed it occurred.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Few Jewish persons resided in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities; however, persons with disabilities did not have equal access to education, health services, public buildings, transportation, and government information and communication on an equal basis with others.

Children with physical disabilities attended school, but facilities to accommodate them in primary, secondary, and higher education were limited. In 2019 the Ministry of Education and Training instituted a policy to provide for greater access to education for children with disabilities. The policy provides for increasing the capacity of mainstream schools to accommodate children with disabilities instead of having them attend segregated schools. Implementation of the policy has been slow with only a few church-run schools providing greater access. By law conviction of denying a child admission to a school because of the child's disability is punishable by a nominal monetary fine and up to five years' imprisonment.

Law and regulations provide for persons with disabilities to have access to public

buildings. Public buildings completed after 1995 generally complied with the law, but many older buildings remain inaccessible. According to the executive director of the Lesotho National Federation of Organizations of the Disabled (LNFOD), air travel services were adequate for persons with disabilities. He stated the insufficient number of sign language interpreters in the judicial system resulted in case postponements for persons with hearing disabilities. Moreover, persons with hearing disabilities who signed could not access state services. Braille and JAWS (Job Access with Speech, a computer software used by persons with vision disabilities) were not widely available. Although the *2020 National Strategic Development Plan* was printed in braille, it was uncommon for government documents to be printed in braille.

The law states public events, news broadcasts, educational programs and other platforms that cover public information of national significance should provide sign language and other means of access by persons with disabilities. The law provides for a 400 maloti (\$28) monthly disability stipend for persons with severe disabilities. LNFOD executive director Nkhasi Sefuthi stated the criteria used to determine “severity of disability” limit inclusivity. On March 12, parliament passed the Persons with Disability Equity Act of 2021. The law provides for establishment of a persons with disabilities advisory council to provide for equal opportunities and recognition of the rights of persons with disabilities, including access to education, health services, public buildings, and public transport on an equal basis with others

There were no reports of persons with disabilities being abused in prison, school, or mental health facilities; however, according to the LNFOD, such abuse likely occurred regularly.

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

By law, “any person charged with sodomy or assault with intent to commit sodomy may be found guilty of indecent assault or common assault if such be the facts proved;” however, authorities did not enforce the law. Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons faced societal discrimination and disregard. On May 17, the LGBTQI+ rights NGO Matrix convened a forum to

discuss the challenges faced by LGBTQI+ persons. During the COVID-19 pandemic lockdown period, some LGBTQI+ participants reported being expelled from their homes by family members, leaving them vulnerable.

The law prohibits discrimination attributable to sex; it does not explicitly forbid discrimination against LGBTQI+ persons. Matrix reported public sensitization campaigns reduced discrimination in access to health-care services and participation in religious activities. There were no reports of employment discrimination.

Matrix decentralized its activities and established committees in eight of the 10 districts to provide more access to vulnerable persons. The Christian Council of Lesotho offered pastoral care and counseling to LGBTQI+ persons.

Other Societal Violence or Discrimination

Media reported killings of the elderly and ritual killings across the country. For example, on July 15, social media reported that Ha Tsuinyane villagers found the body of Masechaba Maphasa, whose head and private parts were missing, abdomen cut open, and some organs removed. The government held gatherings to raise public awareness of the problem of elder abuse.

There were sporadic incidents of vigilante mob violence targeting criminal suspects. On April 15, Likhutlong villagers in Butha-Buthe beat to death Teboho Ramorobi for the attempted rape of an eight-year-old girl.

There were reports of gang violence. On January 3, an armed gang killed seven members of the same family and one person from another family at Khubelu Village in Mokhotlong District. The gang also burned their houses. On January 4, police arrested gang member Morahanye Lefatsa and charged him with murder, possession of an illegal firearm, and damaging property. Media reported Lefatsa and his accomplices killed the villagers because of a dispute regarding illegal gold mining activities in South Africa.

On August 6, the prime minister denounced gang violence and “declared war” on gangs after the killings of more than 10 police officers primarily by gang members between January and early August. On August 8, gang members abducted and

killed police sergeant Qetelo Letsela in Mokhotlong District by slitting the back of his neck. On August 17, four suspects were charged and appeared before Mokhotlong Magistrate Court. The suspects were awaiting trial in custody. Minister of Police Lepota Sekola told Lesotho Television that Letsela's wife had requested the station commander transfer him to another police precinct as she feared for his life due to his involvement in gang-related activities. Sekola stated that some of the perpetrators were Lesotho citizens who lived in South Africa and engaged in illegal gold mining. He stated that the perpetrators planned their activities in South Africa and executed them in Lesotho before fleeing back to South Africa (see section 1.a.).

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 Office of the Registrar of Trade Unions. Registration requires that more than 35 percent of workers in an enterprise of 10 persons or more be unionized. Only the members of a registered trade union, which must represent more than 35 percent of the employees (of an employer with 10 or more employees), are entitled to elect workplace union representatives. The employees (of an employer with 10 or more employees) are entitled to elect workplace union representatives. The registrar may refuse to register a trade union if the provisions of its constitution violate the labor code. The law allows unions to conduct their activities without interference.

The law significantly limits the 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 (DDPR), an independent government body, authorizes a strike. A registered union with a 51 percent majority of staff may call a strike on a "dispute of interest" (a demand that goes beyond labor code stipulations). If mandatory negotiations

between employer and employees reach a deadlock, a union may file with the DDPR for permission to embark on a strike. Typically, the employer and employees agree on the strike rules and its duration. Employers may also invoke a lockout clause and should inform DDPR of their intention to invoke the clause based on employer-employee agreement. The law does not permit civil servants, military, and essential workers to strike.

By law the Public Service Joint Advisory Council provides for due process and protects civil servants' rights. The council consists of equal numbers of members appointed by the minister of public service and members of associations 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. During the year five cases were adjudicated, and one was closed.

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 cover the informal sector and excludes the self-employed from relevant legal protections. There were reports foreign employers at construction companies did not rehire 106 workers who joined unions following a March-May 2020 COVID-19 pandemic lockdown. The Construction, Mining, Quarrying, and Allied Workers Union stated that one construction company dismissed 75 workers for joining unions. Some employers threatened union leaders and denied them the opportunity to meet with their members.

The government effectively enforced applicable law with disputed cases typically resolved within one to six months at the DDPR. Penalties were commensurate with those for similar violations. The Labor Court's independence remained questionable because it is under the authority of the Ministry of Labor and Employment (Ministry of Labor), despite a 2011 law transferring it to the judiciary.

The government and employers generally respected freedom of association and collective bargaining. Government approval is not required for collective agreements to be valid. The law protects collective bargaining but places

restrictions on factory workers. Although factory workers have bargaining power, the law requires any union entering negotiations with management to represent at least 50 percent of workers in a factory. Only a few factories met that condition, and unions at factories where union membership is below 50 percent may not represent workers collectively in negotiations with employers. In 2015 the Factory Workers Union (FAWU), Lesotho Clothing and Allied Workers Union, and National Union of Textile Workers merged to form the Independent Democratic Union of Lesotho (IDUL) to strengthen their bargaining power. The National Clothing Textile and Allied Workers Union, which separated from FAWU, was active. Since 2018 the three largest unions (IDUL, United Textile Employees, and the National Clothing Textile and Allied Workers Union) worked together to address workers' issues, resulting in stronger collective bargaining. All worker organizations were independent of the government and political parties. Most unions focused on organizing apparel workers.

Factory owners in the apparel industry were generally willing to bargain collectively on wages and working conditions but only with trade unions that represented at least 50 percent of workers. Factory decisions concerning labor disputes are determined by companies' headquarters, which are usually located outside the country. In the retail sector, employers generally respected the freedom to associate and the right to bargain collectively, although retail unions complained employers commonly appealed Labor Court rulings to delay their implementation. The Labor Court was subject to judicial delays given its case backlog.

In April factory workers held a 27-day protest demanding the government publish the minimum wage gazettes for 2020 and 2021. The law stipulates that effective April 1, the minimum wage increment must be published annually. The workers further urged Minister of Labor and Employment Moshe Leoma to pass the amended Labor Code pending since 2006. The workers complained the government approved COVID-19 pandemic regulations without their contribution. These regulations led to delivery delays and factory closures. Some factory worker protests turned violent and resulted in two deaths: One person died after being struck by a vehicle during the protest, and police allegedly shot and killed Mots'illisi Ramanasi on May 25 during a factory worker protest in the Ha Tsolo area of Maseru. Following the incident, Ramanasi was transported by police to

Maseru Private Hospital. An apparent examination from Maseru Private Hospital confirmed Ramanasi was shot. She was subsequently transferred to Queen Mamohato Memorial Hospital (QMMH) where she died. The postmortem report indicated Ramanasi died as a result of being stabbed with a sharp object. Members of the trade union filed a lawsuit accusing QMMH of hiding evidence related to Ramanasi's death. Protesters vandalized buildings and blocked roads with burning tires.

On June 8, the workers returned to work after the Lesotho Textile Exporters' Association issued an ultimatum for them to return or face dismissal. On June 15, the government published a gazette reflecting a 14 percent minimum wage increase for textile factory workers and a 9 percent increase for other industries in the private sector.

According to the Lesotho Public Servants Staff Association (LEPSSA), 34 percent of civil servants belonged to the association. LEPSSA reported most civil servants did not register for membership in the association because they were not aware of its existence. LEPSSA has also reported that the Public Service Act of 2005 allows only workers from grade A to H (junior officers) to join the association while grade I to K (managers) are not allowed to join the association. The low rate of participation made it difficult for LEPSSA to engage with the government on workers' rights problems, resulting in declining membership trends from 6,500 members in the 2017/18 financial year to 4,040 members in the 2021/22 financial year. In July LEPSSA filed a Constitutional Court application against the minister of labor for denial of its right to register as a civil servants' trade union as enshrined in the constitution.

The Lesotho Police Staff Association (LEPOSA) stated 98 percent of all police officers were members of the organization, an increase from 92 percent in 2019. In 2019 police embarked on a "go-slow" work action and countrywide protest against the government's failure to pay a risk allowance and 6 percent salary increase. Police also complained of a lack of uniforms and unclear transfer and promotion criteria. The government granted the salary increase in 2019. On September 2020 LEPOSA requested a permit to march to present grievances, but the minister of police declined, citing the law stating police were not allowed to protest. LEPOSA made a recommendation to the prime minister to dismiss Police

Commissioner Holomo Molibeli for incompetency and mismanagement of the police force. Because the infighting between LEPOSA and the commissioner disrupted the police force, the prime minister appointed an interministerial committee to investigate the matter. Based on the interministerial committee's findings, the prime minister rejected LEPOSA's demand to dismiss Molibeli. In April, Molibeli dismissed LEPOSA's public relations officer, Motlatsi Mofokeng, due to his failure to disclose a conviction prior to joining the police force. Molibeli had asked Mofokeng to show cause why he could not dismiss him for failure to disclose his conviction. In March Mofokeng reportedly departed the country amid unsubstantiated rumors that police officers had been ordered to arrest and kill him.

From February 1 to March 11, nurses at Queen Mamohato Memorial Hospital went on a strike demanding their salaries of 9,000 maloti (\$638) per month be increased to 13,000 maloti (\$921) to match those of their counterparts in government and in private hospitals. The Lesotho Nursing Council urged the nurses to stop their strike, arguing the strike put patients' lives at risk and tarnished the image of the nursing and the midwifery professions. On February 24, a Labor Court interim ruling ordered the nurses to return to work pending the finalization of their case; however, the nurses continued to strike. On March 12, hospital management dismissed 345 nurses after they failed to comply with an interim Labor Court ruling of February 25 that ordered them to return to work. There was a pending Labor Court case.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor including child labor. The CGPU conducted community outreach on forced labor through community gatherings, lectures, workshops, and radio programs. Police focused on high schools and areas located close to the borders with South Africa to raise awareness of human trafficking and other forms of forced labor.

The government did not consistently enforce the law. Some government ministries and NGOs stated that the government did not have sufficient resources to enforce compliance. Police reported inadequate resources and training hampered their investigations and remediation efforts. The country convicted the first trafficker in four years and sentenced him to imprisonment. It enacted a new antitrafficking

law that closed key legislative gaps, including criminalizing all forms of sex trafficking and prescribing penalties commensurate with the penalties for other serious crimes, and commencing criminal investigations into multiple government officials allegedly complicit in human trafficking offenses. It devoted, for the first time, modest funding for victim protection; and passed a 2021-26 antitrafficking national action plan. A national referral mechanism and standard operating procedures had been finalized and launched as of April. Criminal penalties for conviction of violations were commensurate with those for similar crimes, but they were seldom enforced. Forced labor, including forced child labor, continued to occur in the sectors of domestic work and agricultural work. Victims of forced labor were frequently either children or workers in the informal sector.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law defines the legal minimum age for employment as 15, or 18 for hazardous employment. The law does not prohibit all the worst forms of child labor. Children in domestic work are sometimes exposed to the worst forms of child labor and are not protected by law and regulations. The law defines hazardous work to include 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.

The law provides for completion of free and compulsory primary school at age 13, two years before the legal age of employment, rendering children ages 13-15 particularly vulnerable to forced labor. According to the findings of the *Worst Forms of Child Labor Report of 2020*, 28.1 per cent of children between the ages of five and 14 years are engaged in child labor. The law prohibits the use of children for illicit activities, including drug trafficking, hawking, gambling, or other illegal activities detrimental to the health, welfare, and educational advancement of the child. The law also states a child has a right to be protected from the use of hallucinogens, narcotics, alcohol, tobacco products, psychotropic drugs, and any other substances declared harmful, and from being involved in their

production, trafficking, or distribution. Additionally, the law prohibits the use of children for commercial sexual exploitation.

The government did not effectively enforce minimum age law regarding employment outside the formal economy. No convictions for child labor were reported. The Ministry of Labor and the CGPU investigated cases of working children, but it lacked enough labor inspectors to enforce compliance

The NGO Beautiful Dream Society reported one case of sex trafficking involving a girl trafficked to South Africa during the year.

Government regulations on “herd boys” distinguished between legal “child work” and illegal “child labor.” Herding continued to be the most common form of child labor, as the law was not effectively enforced for those younger than 18. The guidelines applied to children younger than age 18 and prohibited the engagement of children at a “cattle post,” the hut where herders stay when in remote mountain rangelands. In line with international conventions and standards, the law considers herding by children to be illegal child labor only if it deprives herd boys of the opportunity to attend school, obliges them to leave school prematurely, or requires them to combine school attendance with excessively long hours and difficult working conditions. Children also engaged in domestic service and street work, including vending.

See the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor’s *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, religion, national origin, color, sex, ethnicity, age, sexual orientation, HIV/AIDS status, or refugee status. Discrimination based on disability is not explicitly prohibited. The law’s prohibition of gender-based discrimination is ambiguous. Generally, gender-based employment discrimination is prohibited. There is no provision for equal pay for equal work. According to the NGO Women and Law in Southern Africa, discrimination against women in employment, business, and

access to credit is illegal, although social barriers to equality remained.

The government did not effectively enforce the law. The Ministry of Labor is responsible for enforcing the law, but it lacked adequate resources and did not report any complaints during the year. In the past both men and women reported 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). The Ministry of Labor was accused of providing work permits to white South Africans to work in mines, performing duties that Lesotho citizens could otherwise perform. Investigations into these allegations continued at the end of the year.

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

e. Acceptable Conditions of Work

Wage and Hour Laws: There is a sector-specific minimum wage and a general minimum wage. The general minimum monthly wage was above the official poverty line. Minimum wage provisions do not cover significant portions of the workforce. Labor laws were not applied to 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 if 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 law requires the premium pay for overtime be at a rate not less than 25 percent more than the employee's normal hourly wage rate; any employer who requires excessive compulsory overtime is liable to a fine, imprisonment, or both.

The government applied wage and hour laws inconsistently. Wage and hour rates were not enforced in the large informal economy. The Ministry of Labor, which has the responsibility to enforce minimum wage and overtime laws, observed the security sector, retail, and construction sectors did not always conform to the

minimum wages and hours-of-work regulations. In general, overtime laws were enforced through inspection visits and office mediation.

Occupational Safety and Health: The law empowers the Ministry of Labor to issue regulations on occupational health and safety standards, and the commissioner of labor is responsible for investigating allegations of labor law violations.

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 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. The law holds employers responsible for orienting their employees on safety standards and for providing adequate protective clothing. Workers may be held responsible for accidents if they fail to use provided protective clothing or fail to comply with safety standards.

The government did not effectively enforce the law on safety and health standards. Labor inspectors worked in all districts and generally conducted unannounced inspections, but the government did not employ enough labor inspectors to enforce compliance. By law the informal sector is not subject to inspection. The Ministry of Labor'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 adequate employee 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. Except for the mining industry, employers' compliance with health and safety regulations was generally low. According to the ministry, there was extensive noncompliance with health and safety regulations, especially in the manufacturing and construction sectors. Employers exploited the ministry's lack of labor inspectors and its inability to prosecute violations. Additionally, penalties were not commensurate with those provided for in the labor code for violations.

Trade union representatives described textile-sector working conditions as poor or

harsh but not dangerous. They stated failure by small factories to observe the World Health Organization's COVID-19 pandemic guidelines put the workers at risk of contracting the disease. Unions noted government-constructed factories had poor layout and were designed with improperly installed ventilation. Employers who leased factories from the government were not allowed to change the design of government factory buildings to install ventilation systems. Independent 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 independent auditors kept factory owners compliant with health and safety regulations.

In 2019 a coalition of labor unions and women's rights organizations, an apparel supplier, and three apparel brands signed agreements to address gender-based violence in garment factories. In response to allegations of sexual harassment, including some claims of supervisors demanding sexual favors, these agreements provided for the establishment of an independent body to receive complaints of gender-based violence and carry out investigations accordingly. Union leaders stated, however, that workers reported cases of violence and harassment, including assault and verbal abuse by employers. In May *Time Magazine* reported there was prevalence of abuse and gender-based violence at Hippo Knitting Factory. The Ministry of Labor, Hippo Knitting, and the trade unions signed a memorandum of understanding to eradicate gender-based violence and harassment in the factory. A local consultancy firm, Rise Africa, was contracted to monitor and assist in agreement implementation. Rise Africa successfully implemented a gender-based violence program at Nien Hsing Textiles.

Many workplace policies covered employees with HIV/AIDS. Some of the larger factories provided health-care 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.

On August 19, the Ministry of Health launched a COVID-19 vaccination campaign for the textile factory workers. There were reports that the Ever Unison Textile Factory forced workers to receive COVID-19 vaccination shots to ensure safety at

the workplace and to stabilize production. The National Clothing Textile and Allied Workers Union intervened, and the factory stopped the forced vaccination of workers.

The Ministry of Labor prepares an annual report on workplace fatalities and accidents. According to the report, from January through August, there were 124 accidents, of which 25 persons died and 99 individuals (76 men and 23 women) sustained serious injuries. The affected sectors included the textile, manufacturing, security, retail, and construction sectors.

Working conditions for foreign or migrant workers were the same as those of residents, and migrants had equal protection under the law in the formal sector.

The law does not explicitly provide for workers to remove themselves from situations that endanger their health or safety without jeopardy to their employment. Workers have the right to report incidents that put their lives in danger to their safety officers or safety committees. In most cases workers reported being pressured not to report violations. Nevertheless, code provisions on safety in the workplace and dismissal imply such a dismissal would be illegal. Authorities protected employees when violations of the law were reported.

Informal Sector: The Ministry of Labor has minimal jurisdiction over the informal economy, where an estimated one-half of the country's workers were employed. Penalties were commensurate with those for similar violations, but they were not applied. Violations of wage, hour and safety regulations were common. Conditions were especially hazardous in the construction, agriculture, domestic work, and mining sectors.