

# Lesotho - Human Rights Scorecard <sup>1</sup>

Lesotho, officially the Kingdom of Lesotho, is a small landlocked country enclaved within South Africa. Called Basutoland as a British colony, Lesotho gained independence from the United Kingdom in 1966. Since then, a series of rebellions and coup d'états have left Lesotho unstable; it took decades for the country to run its first peaceful election in 2002. Lesotho remained a haven for black South Africans during the apartheid era, free from the discriminatory governmental policies of its neighbours.

**Official language:** Sesotho, English

**Demonym:** Masotho, Basotho

**Ethnic groups:** 99.7% Basotho, .3% Other Africans

**Government:** Unitary parliamentary constitutional monarchy

- Monarch: Letsie III

- Prime Minister: Tom Thabane

**Population:** 2.2 million

**Life expectancy:** 48.9 years

**Under-5 mortality:** 100 per 1000

**Adult literacy:** 75.8%

**Death penalty:** Retentionist



## Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

### Human Development (UNDP Human Development Index (HDI)) <sup>2</sup>



#### 0.497 – Low Human Development <sup>3</sup>

According to the UNDP, Basotho citizens enjoy a gross national income per capita of \$3,319 and had on average 6.1 years of schooling. Compared to other countries with a comparable gross national income per capita, this is a rather low HDI.

## Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



#### Largely disrespected <sup>4</sup>

There has been reporting that government security forces arbitrarily killed Basotho citizens, with few to no accountability standards in place.

### Freedom from disappearance



#### Respected <sup>5</sup>

There are no reports of disappearances on behalf of the Basotho government.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely disrespected <sup>6</sup>

Torture is one of the worst human rights issues in Lesotho. Prisoners are often tortured and given fake stories which they are forced to confess to in court.

### Freedom from arbitrary arrest or detention



#### Partially respected <sup>7</sup>

Despite the poor treatment and conditions for prisoners, there are few reports of unlawful arrests or violations of arrest policy.

### Freedom from denial of fair public trial



**Respected**<sup>8</sup>

The right to an independent judiciary is generally respected, and there is little evidence that points to predetermined trials or judicial corruption.

### Freedom from arbitrary interference with privacy, family, home or correspondence



**Respected**<sup>9</sup>

There are constitutional protections for citizens of Lesotho from interference with privacy, and those rights are usually upheld.

## Section 3: Respect for Civil Liberties

*Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.*

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>10</sup>



**Score: 28.78, Rank: 68 / 180 – Partially free, diverse, and independent**<sup>11</sup>

Political pressure makes it difficult for journalists to operate freely. Harassment campaigns, death threats, and even arrests of journalists are common and are met with impunity. Several radio stations have been closed to protect “state security.”

### Freedom from academic censorship



**Respected**<sup>12</sup>

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

### Freedom of peaceful assembly and association



**Respected**<sup>13</sup>

The government generally respects the rights of peaceful protesters and organizers.

### Freedom of religion



**Respected**<sup>14</sup>

Though there is low religious diversity in Lesotho, there is a constitutional protection for freedom of religion which is enforced and respected. The government has recently met with religious leaders to reaffirm the support for freedom of religion.

### Freedom of movement



**Respected**<sup>15</sup>

Lesotho’s government respects its citizens rights to move freely within the country.

### Protection of refugees and stateless persons



**Respected**<sup>16</sup>

Lesotho has active and accessible policies and systems in place for asylum seekers and refugees.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>17 18</sup>



**3 / 7 – Partly free**<sup>19</sup>

The media faces heavy government pressure and intimidation, and freedom of speech is not generally respected.

## Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>20</sup>



**3 / 7 – Partly free**<sup>21</sup>

The people have the right to choose their government in free and open elections. However, this right has only been respected within the past two decades or so.

## Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>22</sup>



**Score: 42%, Rank: 74 / 180 – Some corruption**<sup>23</sup>

In Lesotho, anti-corruption measures, though enshrined through law, have been weakly enforced and officials reportedly engage in corrupt practices with impunity.

## Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



**Respected**<sup>24</sup>

Members of the government have been generally responsive to the recommendations of NGOs, and government leaders have met with NGO heads to discuss human rights issues.

## Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)<sup>25</sup>



**No threat listed – Limited dangers to minorities**<sup>26</sup>

According to Minorities Rights Group International, Lesotho does not have any minorities which face an immediate threat of violence.

### Rights of women (*World Economic Forum Gender Gap Index*)<sup>27</sup>



**Score: 72.5%, Rank: 38 / 142 – Somewhat unequal rights**<sup>28</sup>

Women in Lesotho experience widespread domestic abuse and sexual assault, and judicial proceedings surrounding these cases are slow. Survivors of sexual abuse are often not made aware of the services available to them. Basotho women face legal inequality in inheritance rights.

### Rights of Children (*KidsRights Index Overall Score*)<sup>29</sup>



**Score: 39.4%, Rank: 171 / 182 – Highly vulnerable**<sup>30</sup>

Children in Lesotho are at risk for child marriage, early withdrawal from school, and child abuse. Forced elopement – the practice of kidnapping a girl with the intention of forcing her into marriage – remains common.

### Rights of persons with disabilities



**Largely disrespected**<sup>31</sup>

Educational resources for students with disabilities were limited. The judicial system lacks many services for hearing and visually impaired people. Abuse of persons with disabilities likely occurs regularly within prisons, schools, and mental health facilities.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



**Respected**<sup>32</sup>

There are few reports of acts of discrimination against ethnic and religious minorities in Lesotho.

Freedom from abuse and discrimination based on sexual orientation or gender identity



**Largely disrespected**<sup>33 34</sup>

Same-sex activity between men is illegal in Lesotho. There is widespread societal discrimination against LGBTQI+ individuals as well as discrimination in the health care system. There are reports of police brutality against LGBTQI+ persons.

**Section 7: Workers' Rights**

*Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

Rights to freedom of association and to collective bargaining



**Partially respected**<sup>35</sup>

The law allow provides for union organizing, though rights to strike and negotiate do have certain limitations.

Freedom from forced or compulsory labour



**Largely disrespected**<sup>36</sup>

The government does not effectively enforce laws banning forced labour, and police report that resources are inadequate to pursue violations of these laws.

Freedom from forced labour for children, and a minimum age of employment



**Largely disrespected**<sup>37</sup>

The government does not effectively enforce laws banning child labour, particularly outside the formal sector.

Right to acceptable conditions of work



**Largely disrespected**<sup>38</sup>

Penalties for harsh working conditions are not sufficient to deter employers from implementing them.

Right to employment



**27% - Extreme unemployment**<sup>39</sup>

Lesotho has one of the very highest unemployment rates in the world. This has caused many Basotho people to seek work in South Africa or to work in the informal economy.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

<sup>3</sup> "Table 1: Human Development Index and its components, Lesotho" UNDP, based on 2014 or the most recent year available. Accessed Jan. 8, 2017. <http://hdr.undp.org/en/composite/HDI>.

<sup>4</sup> "Country Reports on Human Rights Practices for 2013 Lesotho." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

- <sup>5</sup> Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.
- <sup>6</sup> Ibid. U.S Department of State.
- <sup>7</sup> Ibid. U.S Department of State.
- <sup>8</sup> Ibid. U.S Department of State.
- <sup>9</sup> Ibid. U.S Department of State.
- <sup>10</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.
- <sup>11</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed November 23, 2014. <http://rsf.org/index2014/en-index2014.php>.
- <sup>12</sup> "Country Reports on Human Rights Practices for 2013 Lesotho." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- <sup>13</sup> "Lesotho." World Report 2014: Lesotho. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Lesotho>.
- <sup>14</sup> "Lesotho." International Religious Freedom Report for 2013. January 1, 2013. Accessed November 25, 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.
- <sup>15</sup> "Lesotho." World Report 2014: Lesotho. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Lesotho>.
- <sup>16</sup> "Lesotho." World Report 2014: Lesotho. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Lesotho>.
- <sup>17</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).
- <sup>18</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>
- <sup>19</sup> "Lesotho." Freedom in the World 2014: Lesotho. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Lesotho-0#.VIIIHzGG9e8>.
- <sup>20</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>
- <sup>21</sup> "Lesotho." Freedom in the World 2014: Lesotho. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Lesotho-0#.VIIIHzGG9e8>.
- <sup>22</sup> Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt
- <sup>23</sup> "Lesotho." Corruption by Country. January 1, 2014. Accessed November 25, 2014. <http://www.transparency.org/country#BHR>.
- <sup>24</sup> "Country Reports on Human Rights Practices for 2013 Lesotho." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- <sup>25</sup> The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.
- <sup>26</sup> "Lesotho." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.
- <sup>27</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights
- <sup>28</sup> "Lesotho." World Economic Forum. January 1, 2014. Accessed November 25, 2014. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.
- <sup>29</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable
- <sup>30</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed November 25, 2014. <http://www.kidsrightsindex.org/>
- <sup>31</sup> "Country Reports on Human Rights Practices for 2013 Lesotho." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.
- <sup>32</sup> Ibid. U.S Department of State.
- <sup>33</sup> "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed November 25, 2014. <http://ilga.org/>. See also Ibid. U.S Department of State.
- <sup>34</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

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<sup>35</sup> "Country Reports on Human Rights Practices for 2013 Lesotho." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>36</sup> Ibid. U.S Department of State.

<sup>37</sup> Ibid. U.S Department of State.

<sup>38</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at [http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>39</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed December 7, 2014. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm).