

Lesotho

Country Overview

Politics

The Kingdom of Lesotho is a parliamentary constitutional monarchy located in Southern Africa that was formed after gaining independence from the United Kingdom in October 1966.¹ Lesotho is led by a King who has no legislative or real political power, a Prime Minister who serves as Head of Government, a 33-member Senate, and a National Assembly.² Corruption and instability are pervasive, and the political environment has grown more tense with the army's increasing involvement in politics.³

In October 2022, the founder of the Revolution for Prosperity party (RFP) and diamond business mogul Sam Matekane won the election for prime minister, replacing Moeketsi Majori of the AllBasotho Convention (ABC) party. Matekane ran on a campaign of combating political instability, and pledged to mitigate corruption, revitalize the economy, and de-politicize Lesotho's security forces.⁴

Economy

Lesotho is classified by the World Bank as a lower-middle income country.⁵ The COVID-19 pandemic worsened the country's already relatively weak economic position, and in 2020 Real GDP dropped by 8.4 percent. The economy has since rebounded by about 1.3 percent. In 2021, the country's nominal gross domestic product per capita reached \$1,091. As of 2022, GDP was projected to continue to grow throughout 2024 due to infrastructure projects and a boost in the agriculture and services sector.⁶ At 54.9 percent, the services sector accounts for the vast majority of Lesotho's GDP, while industry and agriculture comprise 39.2 percent and 5.8 percent of GDP respectively.⁷

Social/Human Development

Lesotho has a population of 2.2 million (about the population of New Mexico). The predominant ethnic group in Lesotho is the Sotho people, who comprise 99.7 percent of the population.⁸ As of 2017, Lesotho's labor force stands at 930,800. Most laborers engage in subsistence farming, and 86 percent of the labor force works in agriculture. 49.7 percent of the population lives below the poverty line.⁹ While the country's human capital index (HDI) has steadily grown from 0.34 in 2010 to 0.40 in 2020, this is still below the average HDI value of



lower-middle income countries. The pandemic has also taken a toll on human capital development in Lesotho as income, educational, and health setbacks inhibited greater growth.¹⁰ Lesotho's high HIV/AIDS prevalence rate, the second highest in the world, provides another key socioeconomic challenge.¹¹

The Learning-adjusted Years of School for the average child in Lesotho is 6.3 years. However, Lesotho spends 6.5 percent of its GDP on education, which is higher than the regional average and the average for its income group.¹² Furthermore, Lesotho has one of the highest adult literacy rates in Africa and is working towards universal primary education.¹³

U.S. Department of State TIP Report Summary (2022)

U.S. Department of State TIP Ranking: Tier 2

While Lesotho does not fully meet the minimum standards for the elimination of trafficking, the government has demonstrated significant efforts to identify trafficking victims and carry out more investigations and prosecutions. Lesotho's efforts have earned it an upgrade from tier 3 in 2020 to tier 2 in 2021, a status which it maintained in 2022.

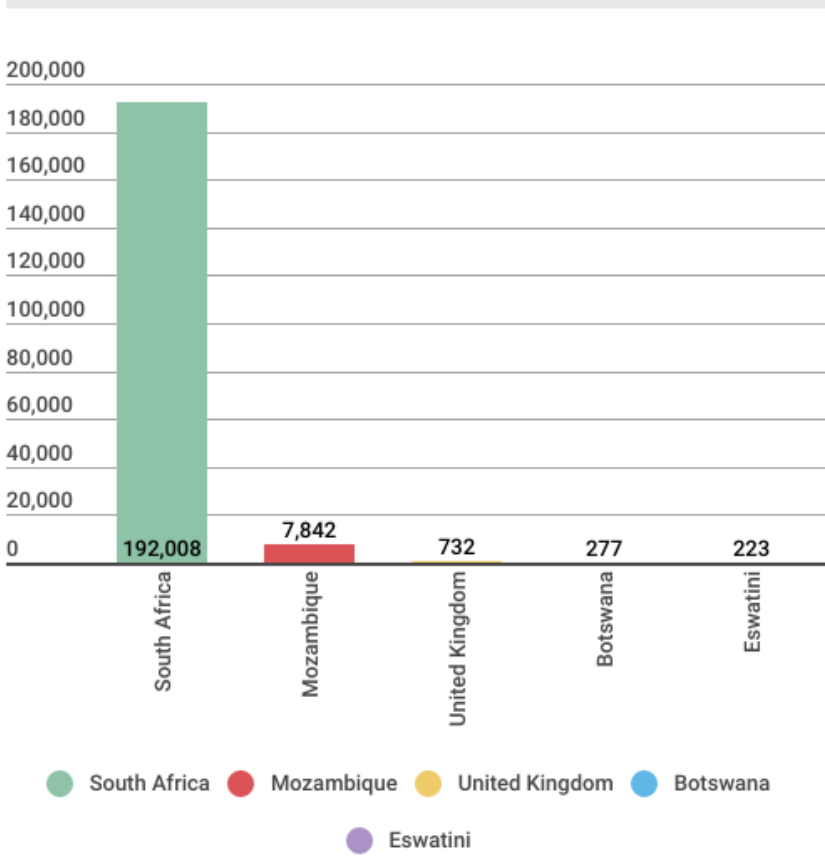
Read the full TIP Report at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/lesotho/>

Migrant and Other Vulnerable Populations

In 2022, Lesotho had a net migration rate of -4.55 migrants/1,000 population.¹⁴ The largest source country for migrants to Lesotho is, by far, South Africa, followed by Mozambique, United Kingdom, Botswana, and Eswatini.¹⁵ As of 2022, Lesotho has 234 refugees under the UNHCR's mandate.¹⁶



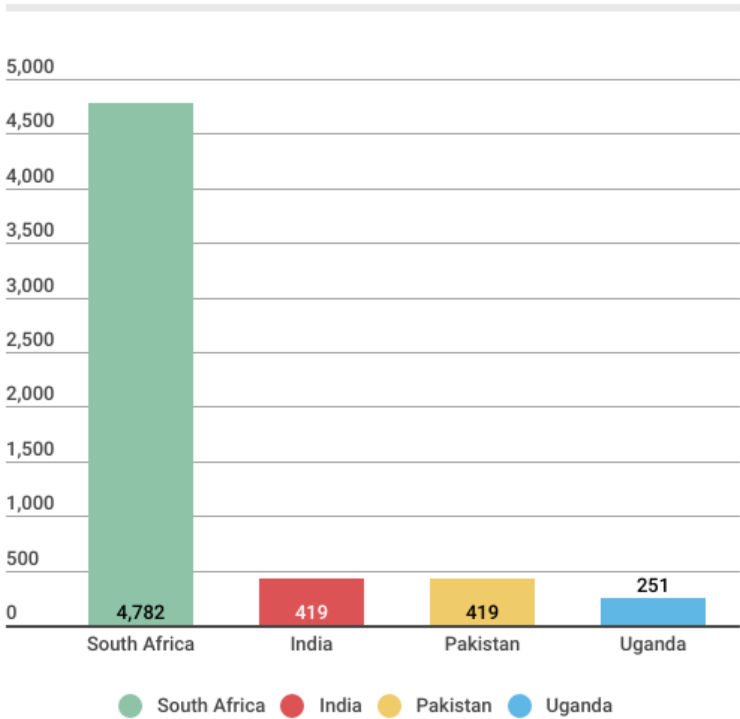
Migrants to Lesotho



The top destination countries for migrants from Lesotho are Other, South Africa, India, Pakistan, and Uganda. “Other” designates migrants who do not have a clear destination point but, rather, travel through multiple countries. ¹⁷



Migrants from Lesotho



Exports and Trade

Lesotho's top exports in 2021 were diamonds, knitted apparel, non-knitted apparel, wool, and electrical machinery. ¹⁸



2021



According to mirror data, the top importers of all goods from Lesotho in 2021 were the United States, South Africa, Belgium, United Arab Emirates, and Switzerland. ¹⁹



Lesotho Export Partners (USD/Thousands)



Trafficking in Persons Risk Factors Analysis

Legal/Policy Risk Factors

Level of Legal Protection for Civil Liberties and Workers' Rights

Freedom of Association

The law guarantees workers the right to establish and join trade unions without prior government authorization, although all unions are required to register with the Office of the Registrar of Trade Unions and must agree to abide by the labor code. Furthermore, the law enables unions to engage in activities without government interference. The right to strike, however, is somewhat limited by



the law, and an independent government body, called the Directorate of Dispute Prevention and Resolution (DDPR), must pre-approve any strikes. The DDPR also serves as an intermediary between employers and employees to agree on the conditions of the strike, including its duration. Civil servants, essential workers, and the military are not legally entitled to strike. Collective bargaining, while generally protected by the law, is restricted to factory workers, who are only granted collective bargaining rights if their union represents at least 50 percent of workers in a factory. The U.S. Department of state noted that the Lesotho government largely respected citizens' freedom of association and collective bargaining rights.²⁰

Protest and demonstrations require governmental pre-approval and are occasionally violently dispersed by police. Many COVID-19 restrictions on strikes, protest and social gatherings remain in place. In May of 2022, two striking factory workers were killed by police force.²¹

Working Conditions

Lesotho law provides a general minimum wage, which is above the poverty line, and sector-specific minimum wages. There is also a maximum 45-hour workweek in place, that mandates a weekly rest period of at least a full day, a minimum of 12 days of paid leave per year, sick leave, and public holidays. The maximum overtime allowed is 11 hours a week. Compulsory overtime is prohibited by law.²²

The Ministry of Labor is responsible for enforcing labor laws, and overtime law was generally enforced effectively by inspection visits and on-site mediation. However, labor laws were reportedly not applied to workers in informal sectors or agriculture.

Discrimination

Women are officially entitled to many legal statuses; however, there are notable exceptions in employment and inheritance rights. There were no reports in 2022 of discrimination against women in employment, although women are prohibited from pursuing careers in certain occupations, including mining. Furthermore, customary law, which is deferred to in rural regions, prevents women and girls from inheriting property.²³

While rape and sexual harassment are criminalized, sexual assault, rape, sexual harassment in the workplace, and domestic violence towards women were reportedly pervasive. Cases of rape often went unreported, and prosecution against reported behavior was generally a slow judicial process. The government has nevertheless attempted to mitigate violence against women, and the



Minister of Gender even brought forth a bill to counter domestic violence to parliament in April of 2022 and advocacy groups, NGOs, and government ministries have sought to bring more awareness to the issue of gender-based violence. There is reportedly one shelter in Maseru available to assist abused women; however, many victims of assault were unaware of its existence. The COVID-19 pandemic caused a surge in sexual and domestic violence.²⁴ A program to combat gender-based violence and harassment against women in the garment industry was introduced by workers in 2021. The program focuses on providing female employees with awareness training, a confidential reporting system, and an information line, and has collaborated with both Lesotho unions and women's rights groups.²⁵

The Lesotho Constitution guarantees every citizen fundamental human rights and freedoms “regardless of race, color, sex, language, religion, political, or other pinion, national or social origin, property, birth, or other status.” In 2022, there were no reports of discrimination against racial or ethnic groups in Lesotho. The law similarly proscribes discrimination against persons with disabilities, although in practice these people were not provided equal access to health services, education, older public buildings, and transportation services. Sexual activities between same-sex persons are criminalized, although these laws are rarely enforced. LGBTQI+ persons reportedly experienced societal discrimination. Moreover, the government does not provide legal protections for LGBTQI+ people.²⁶

Forced Labor

While forced and compulsory labor is proscribed by law, the government inconsistently enforced these measures. Government ministries blamed a lack of resources for their inability to enforce compliance. Forced labor occurred mostly in the domestic and agricultural sectors, and the victims were more often children or workers in the informal economy.²⁷ Traffickers often exploited men from Lesotho who travelled to South Africa for work in mining and agriculture without documents. These workers were oftentimes subjected to forced labor, and, after months of unpaid work, would be reported for immigration violations to avoid payment. The pandemic exacerbated the situation for workers, as rising unemployment drove more Lesotho citizens to find work in South Africa.²⁸

Nevertheless, the government still provided awareness campaigns about human trafficking and forced labor, especially for higher risk individuals such as high school students and persons living close in regions bordering South Africa.²⁹ In 2021, the government increased efforts to protect potential trafficking victims and to prosecute instances of forced labor. A new antitrafficking law was introduced which criminalized all forms of sex trafficking and provided funding to protect victims of forced labor and trafficking. The government also enacted a national antitrafficking action plan to take place between 2021 and 2026.



Child Labor

The legal minimum age for employment in Lesotho is set at 15 in general, and 18 for hazardous employment, including mining and quarrying, manufacturing chemicals, herding, and the production of tobacco. While the law does prohibit some forms of child labor, it does not prohibit all the worst forms of child labor.

³⁰

Children, particularly orphans, were vulnerable to trafficking, and many were forced to engage in animal herding, domestic servitude, and sex work. There were also reports on the presence of “workshop masters” who forced children to produce and vend arts and crafts products in markets.³¹ The government did not successfully enforce minimum age law in the informal economy, and the Ministry of Labor did not have sufficient labor inspectors to investigate and ensure compliance. Herding is the most common child labor activity. Due to the gap between Lesotho’s compulsory education age and minimum working age, 13 and 15 respectively, many children are vulnerable to child labor.³²

Civil Society Organizations

Civil society groups are not usually limited by government restrictions, although the registration process is reportedly strict, and NGOs tend to avoid politically sensitive issues.³³

Ratification of ILO Conventions Related to Human Trafficking or Rights of Workers and Migrants



Conventions	Status
ILO 29 Forced Labor	In force
ILO 87 Freedom of Association and Protection of the Right to Organize	In force
ILO 98 Right to Organize and Collective Bargaining	In force
ILO 100 Equal Remuneration	In force
ILO 105 Abolition of Forced Labor	In force
ILO 111 Discrimination	In force
ILO 138 Minimum Age	In force
ILO 181 Private Employment Agencies	Not Ratified
ILO 182 Worst Forms of Child Labor	In force
ILO 97 Migration for Employment	Not Ratified

Use of “Export Processing Zones”

Lesotho does not have export processing zones, although export textile manufacturing companies receive the benefits of free trade zones such as importing materials and exporting products duty free.³⁴

Promotion of Emigration/Remittance Economy

Remittances are an important source of revenue for Lesotho, and they comprise approximately 17 percent of the country’s GDP. High rates of migration to South Africa, where wages are often higher, drive this remittance-based economy.³⁵ The pandemic, however, which spurred global economic decline has resulted in a reduction in remittances from the Basotho diaspora abroad, exacerbating the economic situation at home.³⁶

Political Risk Factors

Political Instability or Conflict

Lesotho ranked in the 40th percentile for Political Stability and Absence of Violence/Terrorism.³⁷ The main source of political instability in the country is the army’s increasing presence in politics. Factionalism has also eroded stability.³⁸ The All-Basotho Convention (ABC) ruled between 2017 and 2022, but disagreement and fracturing within the party led to the installment of two prime ministers in five years and a loss of faith in the government. Former prime minister Thomas Thabane stepped down amidst murder accusations in 2020. Moeketsi Majoro, Thabane’s successor, declared a state of emergency in August



2022 after parliament was unable to pass constitutional reforms intended to stabilize the country's politics. This move was later ruled unconstitutional by the nation's highest court.³⁹

Amnesty International has noted “a dangerous pattern of human rights violations” by security forces in Lesotho. These violations include torture, unlawful killings, police brutality, and excessive use of force.⁴⁰ In May 2022, the government security forces put down a strike involving over 40,000 garment workers protesting insufficient wages and poor working conditions with lethal force.⁴¹

Level of Crime and Violence

Gang violence has become an increasing problem plaguing Lesotho. Gang members killed 10 police officers between January and August 2022 and attacked members of a family in the Mokhotlong District, where they continued to burn down their houses. In mid-August gang members abducted and killed a police sergeant from the Mokhotlong District. In August 2022, the prime minister “declared war” on gang activity in Lesotho.⁴²

Farmers near the border with South Africa have been victims of theft and attack, preventing them from producing stock. Officials connect the increased targeting of these farmers to the dilapidation of local roads which prevent patrol officers from protecting the land.⁴³

State Persecution

LGBTQI+ persons are subject to discriminatory laws including the criminalization of sexual activity between members of the same sex. This law, however, is not often enforced.⁴⁴

Level of Corruption

Corruption is proscribed by the law; however, the law was not effectively enforced, and some corrupt government officials continued to act with complete impunity. In February 2022, the Director of Corruption and Economic Offences, Mahlomola Manyokole, was suspended from his role for his alleged involvement in money laundering, corruption, and abuse of power. In September of that year, the Ministry of Finance discovered over 50 million maloti worth of fraudulent transactions between ministry employees.⁴⁵

The Transparency International Corruption Perception Index scores Lesotho as a 38 out of 100, ranking the country 96th out of 180.⁴⁶ Freedom House identifies corruption as a key issue preventing government stability.⁴⁷

Socio-Economic Risk Factors



Level of National Economic Development

Lesotho is classified as a lower-middle-income country. Disruptions from the pandemic and political instability caused economic decline. Between 2017 and 2019 real GDP dropped by 0.7 percent annually; in 2020 real GDP contracted by 8.4 percent. The economy was able to rebound slightly in late 2021, and World Bank projects economic activity to recover and grow more through 2024 due to construction projects, the Lesotho Highlands Water Project Phase-II project, and a boost in the agriculture and services industry.⁴⁸

Level and Extent of Poverty

In 2021, the national poverty rate was at 36 percent, which is an impressive decrease from the 56.6 percent in 2002.⁴⁹ Poverty remains most concentrated in rural areas because of fewer income opportunities and greater exposure to environmental degradation, and those levels have remained stagnant for decades at around 60 percent.⁵⁰ Over 2 in 5 children are living in multidimensional poverty in Lesotho.⁵¹

Degree of Gender Inequality

In 2021 Lesotho received a Gender Inequality Index value of 0.557, placing the country 144th out of 191 countries. While only 22.9 percent of seats in parliament are held by women, the rates for “population with at least some secondary education” between women and men are very similar, with 27.2 percent of the female population and 24.6 percent of the male population. There is a notable discrepancy between men and women in the “Labour force participation rate,” however, and 20 percent more of the male population participate in the labor force than women.⁵²

The law’s provision concerning gender-based discrimination in employment is ambiguous. Discrimination against women in employment is generally prohibited; however, gender equality in payment is not regulated and many barriers remain: hiring practices are often aligned with gender, with women excluded from some occupations, including mining. Women also do not enjoy the same inheritance rights as men. While civil law includes inheritance rights for women, customary law, which is often deferred to in property disputes, does not provide for these rights.⁵³

Harassment of women in the workplace is very common. In one 2019 survey of factory workers in the garment industry, over two thirds of female respondents reported being the victims of or knowing a victim of sexual harassment or abuse by male employers. Women were often asked to perform sexual favors under the threat of being fired.⁵⁴

Environmental Factors



Lesotho faces several key environmental issues including severe soil erosion and exhaustion; overgrazing; desertification; and loss of water through the Highlands Water Project redirecting supply to South Africa.⁵⁵

Documented Trafficking in Persons Risk Factors in Key Commodity Supply Chains

Apparel

Apparel Overview

The Lesotho economy is greatly dependent on the garment sector; apparel comprises more than half of Lesotho's export products. The workforce is predominantly female.

Documented TIP Risk in Apparel

Economic decline from the pandemic caused many garment workers in Lesotho to lose their jobs, leaving these workers more vulnerable to sex work and trafficking. The Nien Hsing group, a Taiwanese company that is the largest employer in Lesotho's garment sector, closed three of their five major factories between 2020 and 2021, causing over 6,000 workers to lose their jobs. Many of these workers were already low paid or in debt and did not have viable alternatives.⁵⁶ In 2020, labor inspectors who conducted over 70 investigations, however, did not find any cases of forced labor in textile factories. Many former garment workers desperate to earn a living wage are more likely to seek domestic work in South Africa, where they cross the border illegally and are at high risk of trafficking.⁵⁷

Livestock

Livestock Overview

Agriculture and livestock are amongst the main sources of livelihood in Lesotho, which accounts for about 80% of the rural household in the country.⁵⁸ The livestock sector provides significant income for rural areas. The sector is well integrated in the regional and national economy through wool and mohair exportations, of whom Lesotho is the second largest producer, and which represents a significant percentage of GDP. Cattle not only generates income but also provides draught power and meat and milk for rural households. However, livestock production and other rural livelihoods are severely impacted by climate change. With rising temperatures and more frequent droughts, its seasons are becoming less predictable. During winter, snow scarcity is causing a reduction in meltwater, resulting in lower crop production and grazing capacity. While in the summer, late frosts cause low yields of crops and fruit trees.⁵⁹

Documented TIP Risk in Livestock



According to *U.S. Department of Labor's 2021 List of Goods Produced by Child Labor or Forced Labor*, the worst forms of child labor, which also includes commercial sexual exploitation, has been detected in Lesotho. This is partly because the country is a key a source, transit and destination for human trafficking. The report states that 32% of Children between 5 and 14 years old are employed in labor in dangerous activities (mainly related to animal herding, farming and applying pesticide), exposing them to very harsh weather conditions which sometimes even lead to death.⁶⁰ Lesotho has ratified most of the International Conventions on Child Labor, for instance ILO C. 138 Minimum Age, ILO C. 182 Worst Forms of Child Labor, as well as the Palermo Protocol on Trafficking in Persons. Nevertheless, gaps still exist in the country's legal framework which hinder children's adequate protection from the worst forms of child labor. Several conditions are associated with increasing risks of child labor. UNICEF estimates only 43% of the newborns are registered in Lesotho. The stateless status of these children leads to greater exposure to the risk of child labor. Education, moreover, is mandatory only until 13 years old, which makes children 14 years or older particularly exposed to child labor.⁶¹



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Endnotes

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