

## Lesotho

**Country:**

Lesotho

**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

3

**Aggregate Score:**

67

**Freedom Rating:**

3.0

**Overview:**

The political and security environments deteriorated in Lesotho in 2015, which was marked by the killing of a former army commander amid a Lesotho Defense Force (LDF) operation, and the flight to South Africa of prominent opposition members who claimed that elements within the LDF were plotting to kill them. The crisis emerged in August 2014, when then prime minister Thomas Thabane replaced LDF lieutenant general Tlali Kamoli with Maaparankoe Mahao. On the same day, General Kamoli attempted to oust Thabane, the head of the All Basotho Convention (ABC), in a failed coup. In an attempt to bring stability to the country, the Southern African Development Community (SADC) assisted in organizing February 2015 parliamentary elections, following which Pakalitha Mosisili of the Democratic Congress (DC) became the new prime minister. In May, former prime minister Thabane; leader of the Basotho National Party (BNP) Thesele 'Maseribane; and the leader of the Reformed Congress of Lesotho (RCL), Keketso Rantšo, fled to South Africa, alleging that elements within the LDF were plotting to kill them.

After Mosisili, Thabane's predecessor, retook leadership, he reinstated General Kamoli, who he had initially appointed head of the LDF in 2012, after demoting Mahao. In June 2015, Mahao was killed in what the LDF called an arrest operation. Opposition leaders and civil society label the killing an assassination ordered by Kamoli in retaliation for allegedly plotting a mutiny.

Lesotho is one of the world's largest per capita recipients of overseas development aid, with 11 percent of national income derived from aid. Ongoing political instability in the country threatens the continuance of aid from the United States, Lesotho's top donor.

The Lesotho government declared a state of emergency in December 2015 after two consecutive crop failures left an estimated 650,000 people, according to authorities, at risk of severe hunger. Lesotho has an adult HIV/AIDS prevalence rate of approximately one in four, higher than only

Swaziland, with more than half of those infected being women. The government offers free HIV testing, and 23 percent of those infected are on antiretroviral treatment.

## **Political Rights and Civil Liberties:**

### **Political Rights: 28 / 40 (-2) [Key]**

#### **A. Electoral Process: 10 / 12**

Lesotho is a constitutional monarchy. King Letsie III serves as ceremonial head of state. The lower house of Parliament, the National Assembly, has 120 seats; 80 are filled through first-past-the-post constituency votes, and the remaining 40 through proportional representation. Members serve five-year terms, and the leader of the majority party becomes the prime minister. The Senate—the upper house of Parliament—consists of 22 principal chiefs who wield considerable authority in rural areas and whose membership is hereditary, along with 11 other members appointed by the king and acting on the advice of the Council of State.

International and local observers praised the conduct of the snap parliamentary election held in February 2015, saying poll workers and the Independent Electoral Commission (IEC) had been well-prepared, and that the election was free and had taken place peacefully. However, observers expressed some concern about voter registration processes and the credibility of voter rolls.

#### **B. Political Pluralism and Participation: 12 / 16**

Lesotho is a multiparty democracy in which political parties frequently create coalitions to form a government. However, the ongoing crisis has severely disrupted political life.

The February 2015 snap elections were closely contested, with the DC taking 47 seats to the ABC's 46. The Lesotho Congress for Democracy (LCD) won 12 seats; the BNP won 7, and the remaining seats went to smaller parties. The DC formed a government with the support of smaller coalition partners, and Mosisili became prime minister. In May 2015, Thabane fled to South Africa, claiming that members of the LDF sought to kill him. BNP leader Thesele 'Maseribane, and the leader of the RCL, Keketso Rantšo, also fled, saying they feared for their lives due to a crackdown on opposition by Mosisili. Remaining opposition members were boycotting the parliament at the year's end, demanding Kamoli's removal and the safe return of opposition leaders to the country.

No laws prevent minorities from serving in the government, but in 2015 there were no member of minority groups serving in either legislative chamber or in the cabinet.

#### **C. Functioning of Government: 6 / 12 (-2)**

Lesotho remained in crisis in 2015, with politics entangled in disputes among factions of the security forces. Opposition leaders remained in self-imposed exile at the year's end, while opposition lawmakers who had stayed in Lesotho were boycotting the parliament.

According to the African Peer Review Mechanism, corruption is rife in all sectors of government and public services, and cronyism is prevalent in state bidding procedures. Since 2012, all government officials must declare their financial interests as a condition of office, though implementation remains a challenge. In a positive development, in August 2015, it emerged that Lesotho's anticorruption agency was probing the circumstances surrounding the exorbitant salary paid to

Masupha Sole, a close acquaintance of the king, who had been reappointed as an adviser to the Lesotho Highlands Water Project after serving nine years in prison for corruption in the same project.

Authorities are not accountable to the electorate. The ruling coalition in 2015 governed without input from the opposition. Factions of the military have great influence over political structures. Lesotho was ranked 61 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

## **Civil Liberties: 39 / 60 (-2)**

### **D. Freedom of Expression and Belief: 14 / 16**

Freedoms of speech and the press are generally respected, and independent newspapers and radio stations routinely criticize the government. However, two journalists fled Lesotho in July 2015, citing threats from LDF members; the country's communications minister claimed that the journalists fled because the opposition was using them to sow instability in the country, and that they feared being arrested. Despite the fact that state-owned print and broadcast media tend to reflect the views of the ruling party, Lesotho has seen a significant amount of media coverage of corrupt officials. Two of the three main newspapers in the country are owned by the same person. The government does not restrict internet access, though only a small fraction of residents have access due to infrastructure and socioeconomic constraints. During the attempted coup, radio and television stations were temporarily jammed.

Lesotho is a predominantly Christian country, and freedom of religion is widely observed. The government does not restrict academic freedom.

### **E. Associational and Organizational Rights: 7 / 12**

Freedoms of assembly and association are generally respected, though demonstrations are sometimes broken up violently. Local and international nongovernmental organizations (NGOs) generally operate without restrictions. While labor rights are constitutionally guaranteed, the union movement is weak and fragmented. Many employers in the textile sector—Lesotho's largest formal employer—face obstacles when trying to join unions.

### **F. Rule of Law: 9 / 16 (-2)**

Courts are nominally independent, but higher courts are subject to outside influence. The large backlog of cases often leads to trial delays and lengthy pretrial detention. In 2014 the courts were temporarily suspended following the coup attempt, though they were once again operating in 2015.

Mahao's death during an LDF operation and officials' subsequent reluctance to cooperate with a SADC investigation of the events underscored the deterioration of the rule of law in Lesotho in 2015. In July 2015, the SADC Double Troika, a body comprised of officials from Zimbabwe, Botswana, South Africa, Namibia, Malawi, and Lesotho, created an independent commission of inquiry in order to investigate the death of Mahao, as well as Prime Minister Mosisili's promotion of General Kamoli following his demotion by former prime minister Thabane. The head of the commission, Judge Mphaphi Phumaphi of Botswana, announced in October 2015 that he would complete his inquiry early, after Mosisili and army officials proved generally uncooperative. For

example, General Kamoli refused to publicly answer the commission's questions, citing national security grounds, while Mosisili attempted to expand the terms of the probe to include the actions Thabane had taken during his tenure as prime minister. Moreover, government representatives criticized the commission for hearing testimony from opposition figures, including Thabane. Some opposition members who testified before the commission did so from South Africa, evidently still reluctant to return to Lesotho out of concern for their safety.

The SADC had yet to publish the probe's results at the year's end. In December 2015, the government initiated a legal challenge of the commission's report, arguing interviews with self-exiled opposition figures conducted in South Africa were outside of the commission's jurisdiction, and that the country's Public Inquiries Act obliged the SADC to submit the results directly to Prime Minister Mosisili. Observers expressed concern that if the report were not released publicly, parts of it could be censored by the government before being introduced to the parliament.

In a related development, in October 2015, the High Court ruled that 23 soldiers who had been court martialed by the LDF after Mahao's dismissal in connection with the alleged mutiny plot be released on military bail and allowed to collaborate with the SADC commission. In December 2015, after preliminary arguments, the court martial was postponed to February 2016.

Opposition figures, journalists, and lawyers fled the country in 2015, citing fear for their lives amid a crackdown by Kamoli on any perceived support for Thabane. There have been reports that the soldiers held in connection with the alleged mutiny plot were tortured while in LDF custody. Mistreatment of civilians by security forces reportedly continues. Prisons are dilapidated, severely overcrowded, and lack essential health services. An independent ombudsman's office is tasked with protecting citizens' rights, but its enforcement powers are weak. The death penalty, although not used since 1995, is still legal in Lesotho for crimes of rape, murder, and treason. The 23 soldiers arrested on mutiny charges could be sentenced to death if found guilty.

While female same-sex sexual activity is allowed, male same-sex "sodomy" is illegal; reportedly the law has never been enforced. Still, LGBT (lesbian, gay, bisexual, and transgender) individuals face societal discrimination, and individuals experiencing discrimination as a result of their sexual orientation or gender identity are not protected under the constitution. In recent years, a local gay rights advocacy group has organized a gay pride march through Maseru, the capital.

## **G. Personal Autonomy and Individual Rights: 9 / 16**

The constitution protects free movement within Lesotho and the freedom to leave the country.

Many women have taken on senior political and economic positions, including in government and senior management. The constitution of Lesotho guarantees the right to equality and nondiscrimination on the basis of gender, but customary practice and law still restricts women's rights in areas such as property, inheritance, and marriage and divorce.

The trafficking of men, women, and children for the purpose of forced labor or prostitution remains a problem, though authorities made some efforts to better prosecute trafficking cases in 2015. Antitrafficking efforts are underfunded, and most victim assistance programs are operated by NGOs.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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