

Rights in Lesotho: Citizen views on police abuse, media and personal freedom, gender equality

Afrobarometer Dispatch No. 242 | Puleng Adams and Mamello Nkuebe

Summary

Seventy years after the adoption of the Universal Declaration of Human Rights (United Nations, 1948), how many countries can claim to respect and enforce the rights and freedoms to which it entitles everyone in the world?

Lesotho ratified the declaration in 1992 and is a signatory to a number of other international and regional instruments to protect human rights, such as the Convention on the Elimination of all Forms of Discrimination Against Women (1979), the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), and the African Charter on the Rights and Welfare of the Child in Africa (1990). The protection of fundamental human rights and freedoms is entrenched in Lesotho's Constitution and national legislation.

Yet Amnesty International's (2018) most recent report on Lesotho cites a "sharp increase" in human-rights violations as the country experienced prolonged political and security crises, including allegations of abuse, torture, and extra-judicial killings.

Against this background, we examine popular attitudes in Lesotho with regard to basic rights related to the use of physical force, free expression and association, and discrimination.

Findings from the latest Afrobarometer survey show that a remarkable two-thirds of Basotho say police routinely abuse or torture people in their custody. Most Basotho reject wife-beating as "never justified" but endorse physical disciplining of children both in the home and at school.

Strikingly, only one-third of Basotho endorse media freedom, a sharp decline from 2014, while most endorse free association and say they are at least "somewhat" free to say what they think.

Basotho also see equal opportunities for women and men but are divided on whether daughters should be allowed to become chiefs.

Afrobarometer survey

Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues in African countries. Six rounds of surveys were conducted in up to 37 countries between 1999 and 2015, and Round 7 surveys are being completed in 2018. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

The Afrobarometer team in Lesotho, led by Advision Lesotho, interviewed 1,200 adult Basotho in November/December 2017. A sample of this size yields country-level results with a margin of error of +/-3 percentage points at a 95% confidence level. Previous surveys were conducted in Lesotho in 2005, 2008, 2012, and 2014.

Key findings

■ Use of physical force:

- Two-thirds (66%) of Basotho say the police “often” or “always” abuse or torture people in their custody.
- Three-fourths (76%) of respondents say it is “never justified” for men to beat their wives.
- Large majorities of Basotho say physical disciplining of children is justified both in the home (81%) and at school (75%).

■ Freedom of speech and association:

- Three-fourths (74%) of Basotho say they are “somewhat” or “completely” free to say what they want, a decrease from 82% in 2014.
- Most Basotho (80%) endorse freedom to associate with any organization of one’s choice.
- Only one out of three Basotho (34%) say the media should be free of government control. Support for media freedom declined by 15 percentage points, from 49% in 2014.

■ Freedom from discrimination:

- Overwhelming majorities of Basotho say women and men have equal opportunities when it comes to getting an education (92%), earning an income (91%), and the right to own or inherit land (86%).
- Smaller majorities say women should have equal rights and receive the same treatment as men (61%) and should have the same chance as men of being elected to public office (65%).
- Basotho are divided almost evenly on the question of whether the law should be changed to allow daughters to succeed to chieftaincy.

Police abuse and torture

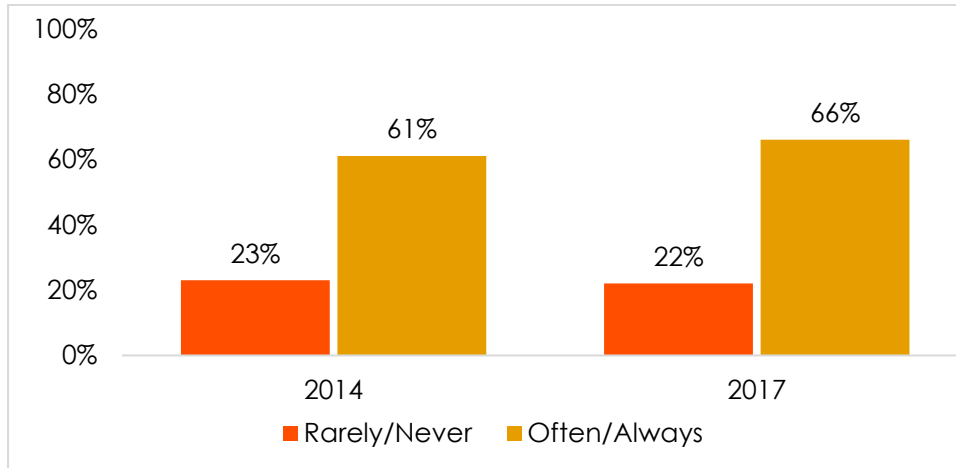
Two-thirds (66%) of Basotho say police “often” or “always” abuse or torture people they have in custody, an increase of 5 percentage points from 2014 (Figure 1). While the proportion of respondents who say this “always” happens declined from 32% to 19%, far more say it occurs “often” (47% vs. 29% in 2014). Urban (72%) and peri-urban (71%) residents are more likely than rural dwellers (63%) to say the police often/always abuse or torture people in their custody, as are men (69%) compared to women (64%). Respondents who experienced some level of lived poverty¹ are somewhat more likely to say the police routinely abuse and torture people than are those who experienced no poverty (Figure 2).

These popular perceptions align with a 2017 Auditor General’s report showing that the police had paid 7 million Maloti (about U.S. \$470,000) in damages to torture victims (Post, 2018). The chairperson of the Public Accounts Committee of Parliament, which is currently conducting a public discussion of this report, was quoted as having told the Commissioner of Police that

¹ Afrobarometer assesses respondents’ “lived poverty” based on responses to the following questions: *Over the past year, how often, if ever, have you or anyone in your family gone without: Enough food to eat? Enough clean water for home use? Medicines or medical treatment? Enough fuel to cook your food? A cash income?*

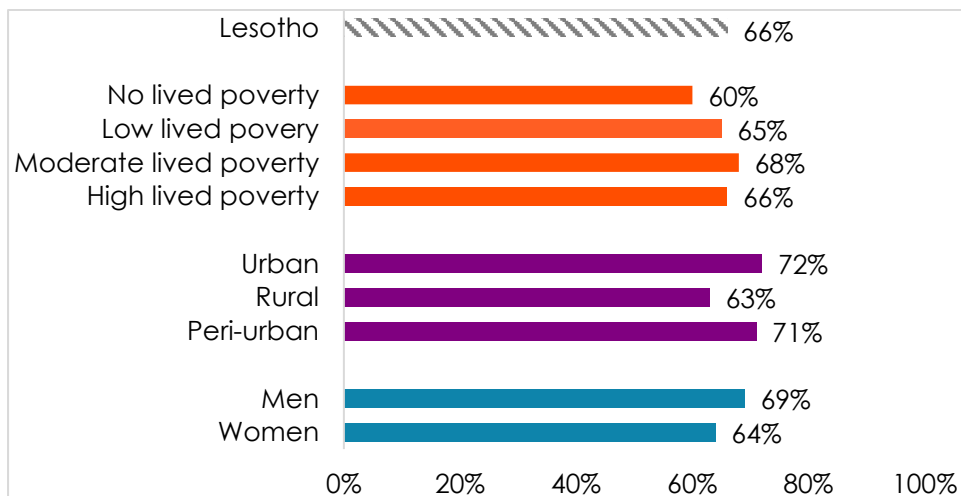
officers who torture people in their custody will in future have to pay damages from their own pockets (Post, 2018).

Figure 1: Abuse and torture of people in police custody | Lesotho | 2014-2017



Respondents were asked: In your opinion, how often, in this country, do the police abuse or torture people in their custody?

Figure 2: Police ‘always’ or ‘often’ abuse or torture people in their custody | by socio-demographic group | Lesotho | 2017



Respondents were asked: In your opinion, how often, in this country, do the police abuse or torture people in their custody? (% who say “often” or “always”)

Use of physical force on children and women

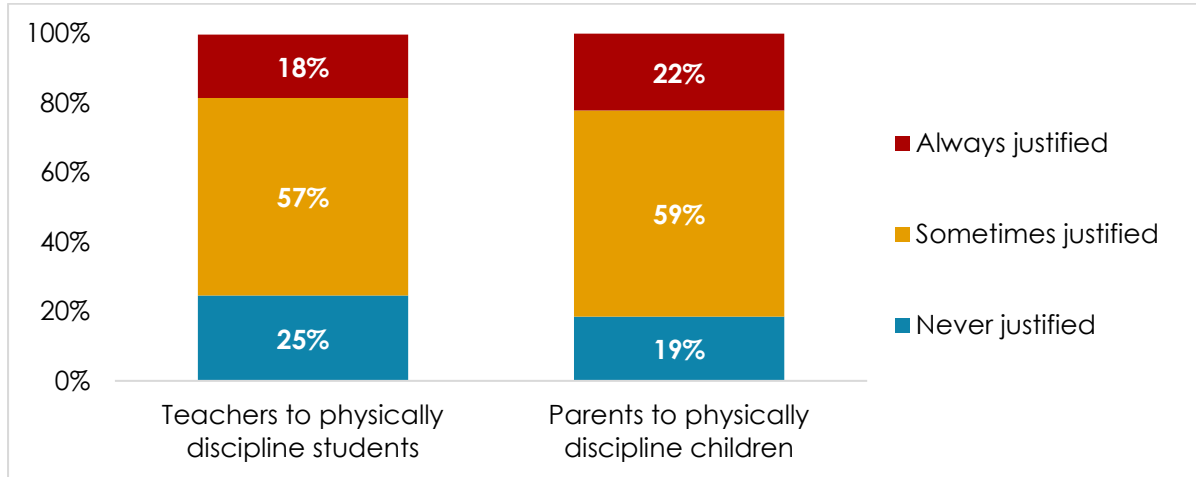
Article 5 of the Universal Declaration of Human Rights states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” With regard to children, protections are reinforced in the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and Lesotho’s Children Protection and Welfare Act of 2011, which together prohibit all forms of torture, inhuman or degrading treatment, and physical or mental injury or abuse, including cultural practices that degrade or are injurious to the physical, psychological, emotional, and mental well-being of the child.

The question is whether the use of physical force to discipline a child constitutes such abuse. For most Basotho, it does not. Large majorities of Basotho say corporal discipline is

"sometimes" or "always" justified, both in the home (81%) and at school (75%) (Figure 3). This finding is in line with Gomba's (2015) interviews with parents, who saw corporal punishment in schools as "a necessary evil."

Women (84%) are somewhat more likely than men (78%) to see physical discipline in the home as justified, but in general, support for the use of physical force on children is fairly consistent across major socio-demographic groups (Figure 4).

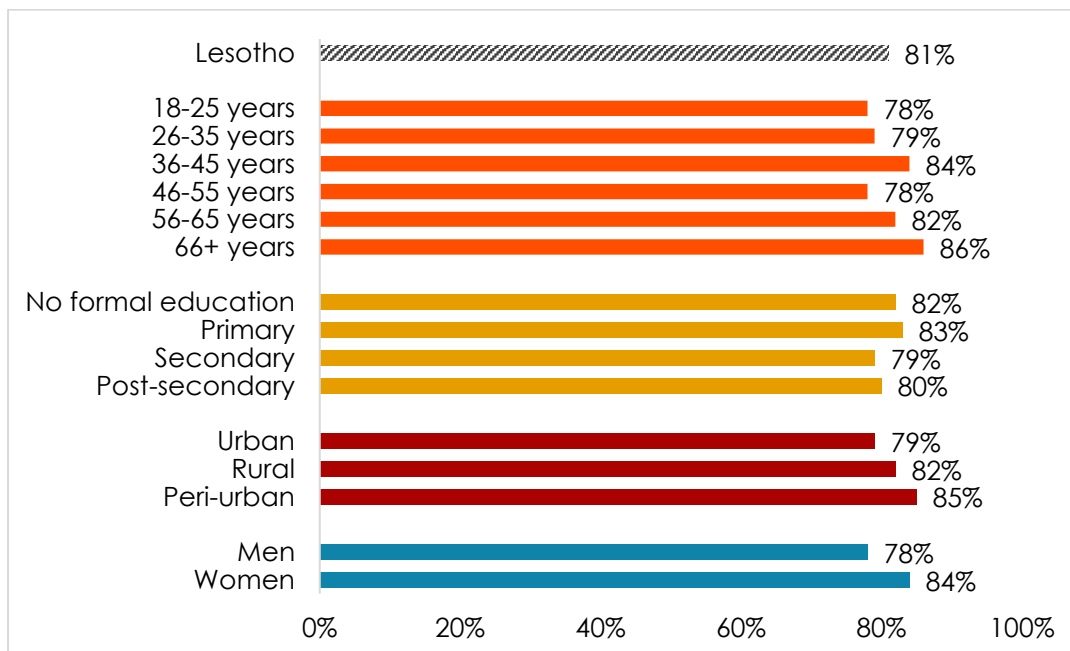
Figure 3: Justified to use physical force on children? | Lesotho | 2017



Respondents were asked: Please tell me for each of the following actions whether you think it can always be justified, sometimes justified, or never justified:

- For parents to use physical force to discipline their children?
- For teachers to use physical force to discipline their students?

Figure 4: Parents justified in using physical force on children | by socio-demographic group | Lesotho | 2017



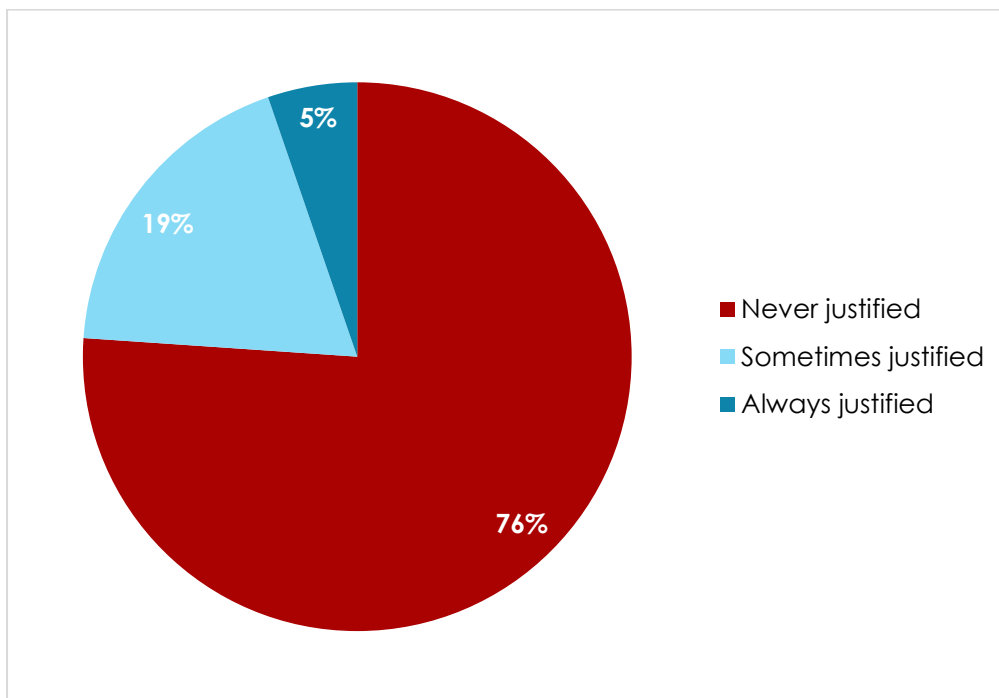
Respondents were asked: Please tell me for each of the following actions whether you think it can always be justified, sometimes justified, or never justified: For parents to use physical force to discipline their children? (% who say "sometimes" or "always")

With regard to women's rights, Lesotho in 1995 ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which seeks to protect women against all forms of gender-based discrimination, violence, and abuse and calls for review and reform of laws that may discriminate against women. In 2002, Lesotho established the Child and Gender Protection Unit (CGPU) within the Lesotho Mounted Police services, which investigates and ensures prosecution of gender-based violence cases, provides services to victims, and sensitizes the community. Lesotho is also in the process of developing domestic-violence legislation under the ongoing Law Reform Commission's Domestic Violence Laws Project.

Nonetheless, while the UN Women's Global Database on Violence against Women (2018) says official national statistics are not available, the UN Committee on the Elimination of Discrimination against Women (2011) expressed concern about the "high prevalence" of gender-based violence in Lesotho. And advocates suspect that the 125 cases per week reported by the CGPU (Chwarae Teg, 2015) may only be the tip of the iceberg.

In response to a survey question, however, three-fourths (76%) of Basotho say it is "never" justified for men to beat their wives. About one-fourth believe wife-beating is "sometimes" (19%) or "always" (5%) justified (Figure 5).

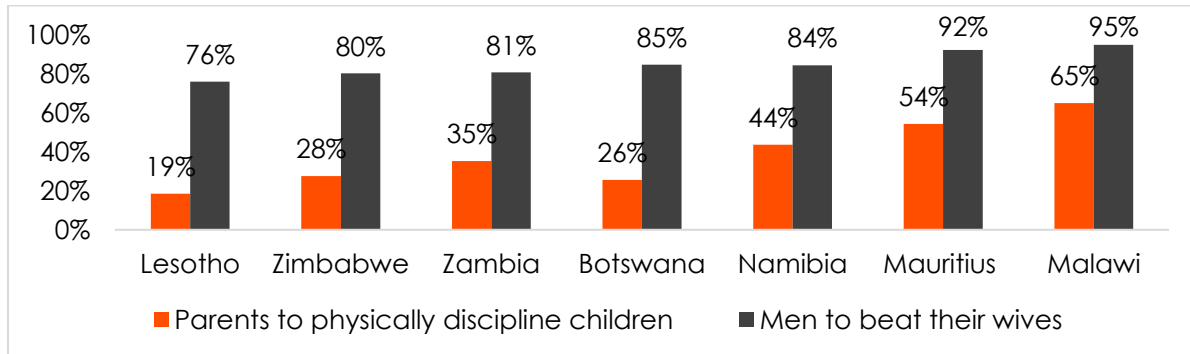
Figure 5: Justified for men to beat their wives? | Lesotho | 2017



Respondents were asked: Please tell me for each of the following actions whether you think it can always be justified, sometimes justified, or never justified: For a man to beat his wife?

Six other countries in the Southern African region also show far stronger rejection of wife-beating than of corporal punishment for children, but on both questions, Lesotho has the smallest proportions who say these actions are "never justified" (Figure 6). Majorities reject physical discipline for children in Malawi (65%) and Mauritius (54%).

Figure 6: Use of physical force on children and women ‘never justified’
 | 7 Southern African countries | 2017/2018



Respondents were asked: Please tell me for each of the following actions whether you think it can always be justified, sometimes justified or never justified:

- For parents to use physical force to discipline their children?
- For a man to beat his wife?

(% who say “never justified”)

Freedoms of expression and association

The Universal Declaration of Human Rights states that everyone has the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. Freedom of expression is protected by the Constitution of Lesotho, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, and freedom from interference with correspondence. Critics, however, charge that the government sometimes attempts to gag the media and whistleblowers (Bertelsmann Foundation, 2018; African Media Barometer, 2015). The African Freedom of Expression Exchange (2018) argues that “repressive” laws such as the Sedition Proclamation of 1938 and the Internal Security Act of 1984 compromise media freedom by preventing criticism of the government and permitting offending journalists to be hauled before judges on charges of seditious libel.

In assessing popular perceptions of freedom of expression and association, Afrobarometer asks respondents three types of questions: How much freedom they actually have, how much freedom they think they should have, and whether they have more or less freedom now that a few years ago.

About three-fourths (74%) of Basotho say they feel “somewhat” or “completely” free to say what they want, a decline from 82% in 2014 (Figure 7). Eight in 10 (79%) say they should be free to join any organization they wish, regardless of whether the government approves of it, which is an increase from 70% in 2014.

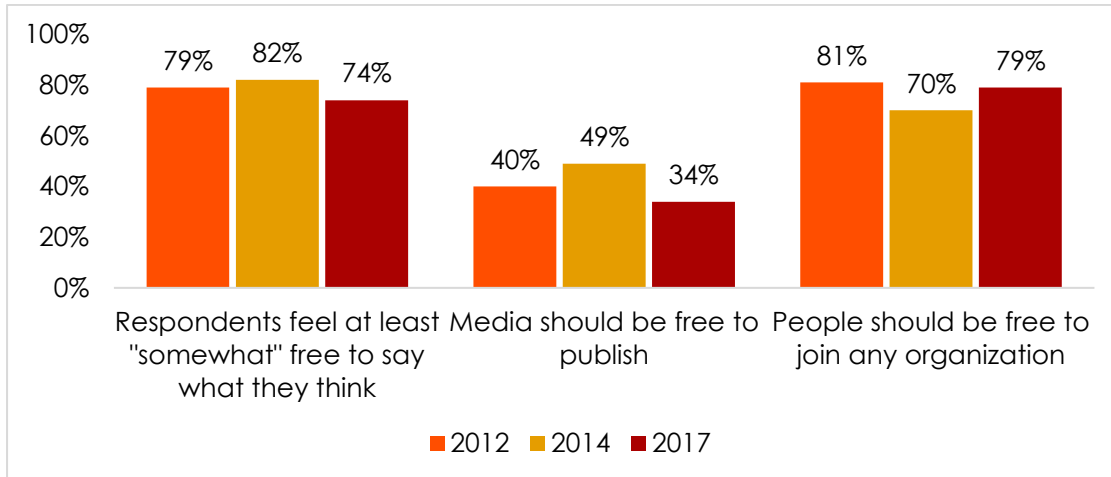
But only one out of three Basotho (34%) say the media should be free to “publish any views and ideas without government control.” Fully 65% instead say “the government should have the right to prevent the media from publishing things that it considers harmful to society.” Support for media freedom declined by 15 percentage points, from 49% in 2014.

On these three types of freedom, Basotho offer mixed assessments of whether they enjoy greater freedom today than they did a few years ago. A majority say they now have “somewhat more” or “much more” freedom to join political organizations of their choice (59%). About half (49%) say the same about media freedom to investigate, report, and criticize, while only 42% see greater freedom to say what they think about politics (Figure 8).

Lesotho’s support for media freedom places it well below the average of 26 African countries surveyed by Afrobarometer (45%). Only Cameroon (30%), Mali (24%), and Senegal (18%)

record smaller proportions of the population who favour a free press, while this support exceeds two-thirds in Madagascar (71%) and Malawi (67%) (Figure 9).

Figure 7: Freedom of expression and association | Lesotho | 2017



Respondents were asked:

- In this country, how free are you to say what you think? (% who say "somewhat free" or "completely free")
- Which of the following statements is closest to your view?

Statement 1: The media should have the right to publish any views and ideas without government control.

Statement 2: The government should have the right to prevent the media from publishing things that it considers harmful to society. (% who "agree" or "strongly agree" with Statement 1)

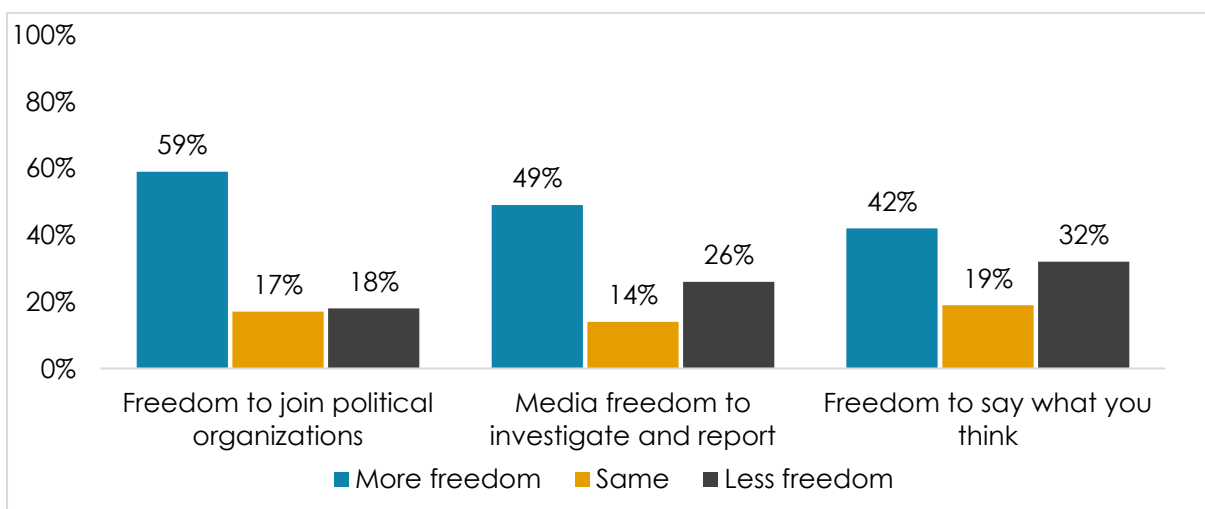
- Which of the following statements is closest to your view?

Statement 1: Government should be able to ban any organization that goes against its policies.

Statement 2: We should be able to join any organization, whether or not the government approves of it.

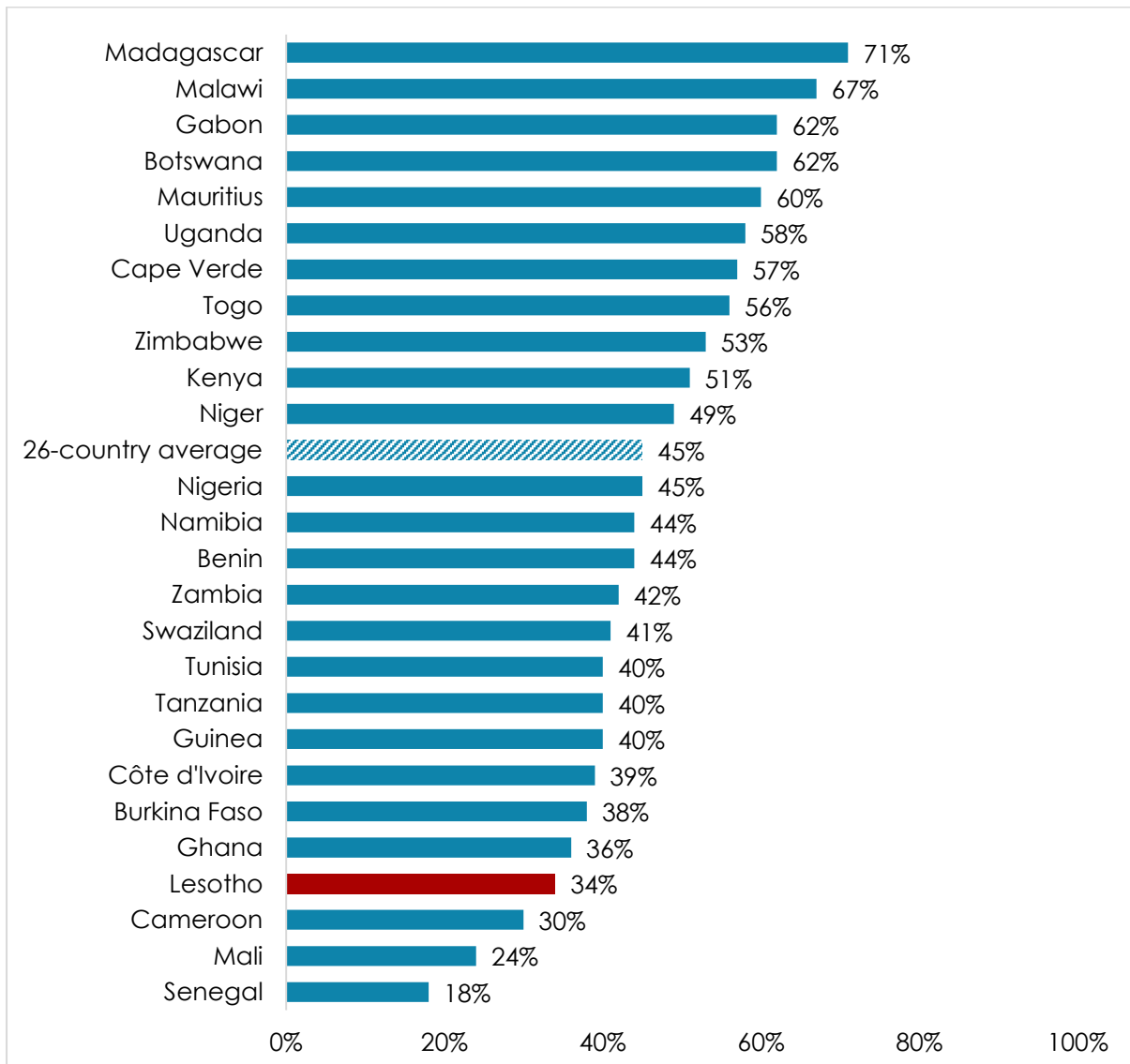
(% who "agree" or "strongly agree" with Statement 2)

Figure 8: More or less freedom of expression and association? | Lesotho | 2017



Respondents were asked: Please tell me if there is more or less freedom now for each of the following things compared to a few years ago, or are they about the same: Your own freedom to say what you think about politics? Your own freedom to join any political organization you want? The media's freedom to investigate and report on government mistakes or to criticize government actions or performance?

Figure 9: Media freedom | 26 African countries | 2016/2018



(% who "agree" or "strongly agree" that media should be free of government control)

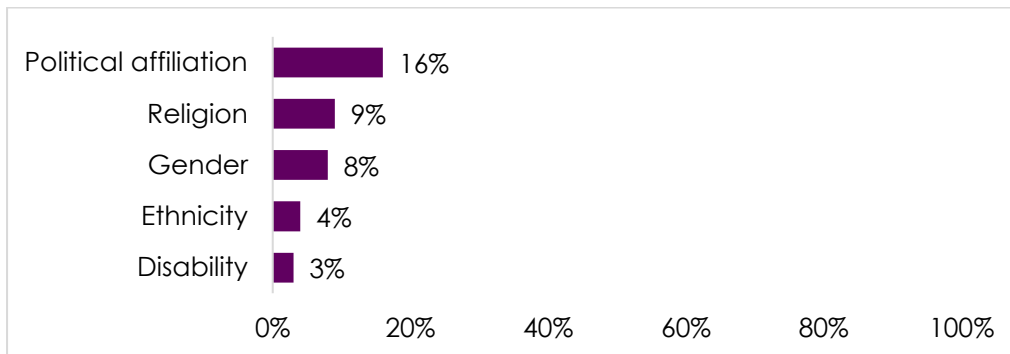
Freedom from discrimination

Articles 2 and 7 of the Universal Declaration of Human Rights promise all its rights and freedoms to everyone, "without distinction of any kind," and states that all are "entitled to equal protection against any discrimination."

Lesotho's Legal Capacity of Married Persons Act No. 9 of 2006 introduces the principle of equality between men and women and mandates married couples to consult one another on all matrimonial issues – a considerable change from the common law.

Nonetheless, discrimination is a lived experience for some Basotho (Figure 10). Afrobarometer findings show that about one in 10 respondents say they experienced discrimination based on their religion (9%) or their gender (8%) during the year preceding the survey. About half as many say they were discriminated against based on their ethnicity (4%) or a disability (3%). But almost one in five (16%) say their political affiliation was a trigger for discrimination.

Figure 10: Discrimination experienced during the previous year | Lesotho | 2017



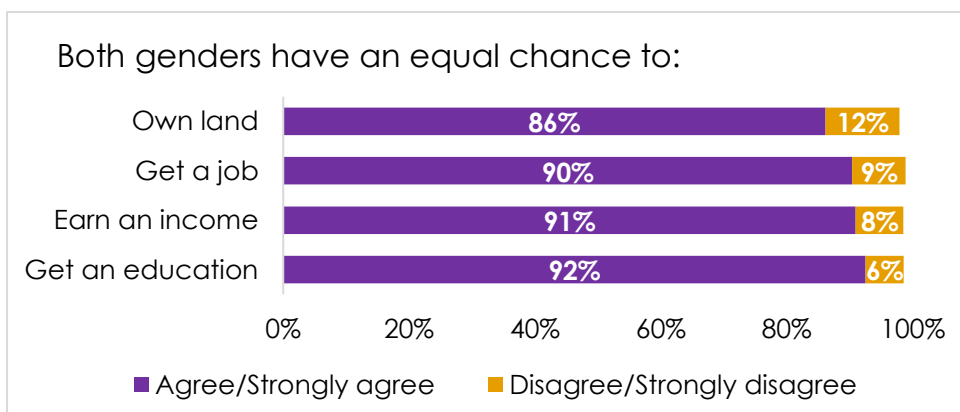
Respondents were asked: *In the past year, how often, if at all have you personally been discriminated against based on any of the following: Your gender? Your religion? Your ethnicity? Any disability you might have? Your political party affiliation? (% who say "once or twice," "several times," or "many times")*

On gender equality, Basotho overwhelmingly assert that men and women have already achieved equal opportunity when it comes to getting an education (92%), getting a job (90%) and earning an income (91%), and the right to own or inherit land (86%) (Figure 11).

But only six in 10 (61%) affirm that women "should have equal rights and receive the same treatment as men," which reflects a 9-percentage-point increase from a slim majority (52%) in 2012 (Figure 12). A similar majority endorse the principle of gender equality when it comes to electoral politics: 65% say that women should have the same chance as men of being elected to public office – a decrease from 70% in 2012.

The perception that women have achieved equality when it comes to work may reflect changing job profiles as a result of the African Growth and Opportunity Act (AGOA), through which Lesotho manufactures apparel for export to the United States. This industry is now the largest employer in the country, with about 36,000 workers (Index Mundi, 2018), many of them women. As observed by Bacchus (2005), globalization has played a significant role in absorbing women in developing countries into the labour market.

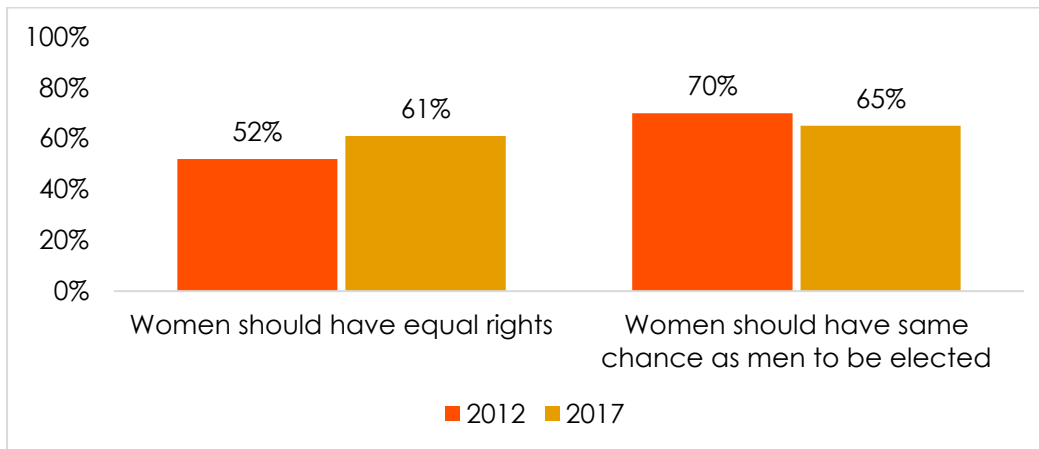
Figure 11: Equal life opportunities for both genders | Lesotho | 2017



Respondents were asked: *For each of the following statements, please tell me whether you disagree or agree, or haven't you heard enough to say: In our country today:*

- *Girls and boys have equal opportunities to get an education?*
- *Women and men have equal opportunities to earn an income?*
- *Women and men have equal opportunities to get a job that pays a wage or salary?*
- *Women and men have equal opportunities to own and inherit land?*

Figure 12: Equal treatment for men and women | Lesotho | 2012-2017



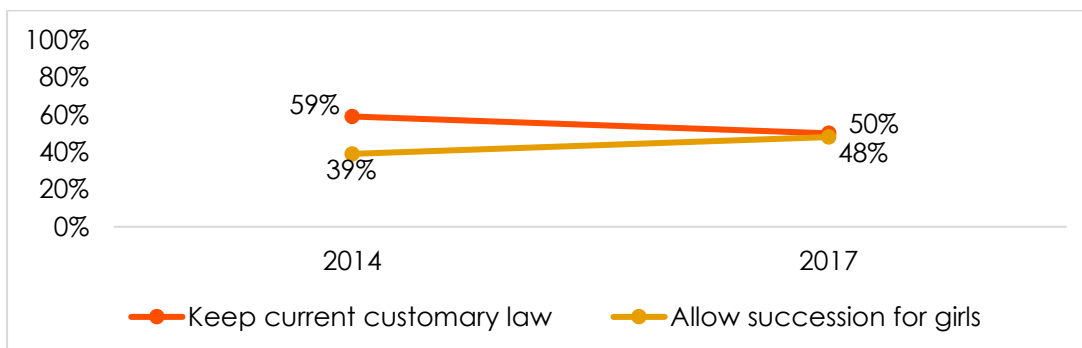
Respondents were asked:

- Which of the following statements is closest to your view?
 Statement 1: Men make better political leaders than women, and should be elected rather than women.
 Statement 2: Women should have the same chance of being elected to political office as men.
 (% who "agree" or "agree strongly" with Statement 2)
- Which of the following statements is closest to your view?
 Statement 1: In our country, women should have equal rights and receive the same treatment as men do.
 Statement 2: Women have always been subject to traditional laws and customs, and should remain so.
 (% who "agree" or "agree strongly" with Statement 1)

One area where the principle of gender equality is still a contentious issue is succession to chieftainship. Half (50%) of Basotho are opposed to changing the law to allow a daughter to succeed a chief, down from 59% opposition in 2014. The other half (48%) wish to see the customary law changed, up from 39% in 2014 (Figure 13). Support for succession by girls is stronger among women (54%) than men (42%), and the 56- to 65-year-old age group surprises with 55% support, but factors such as urban vs. rural location and education level do not show a consistent pattern of differences (Figure 14).

Figure 13: Should the law be changed to allow girls to succeed to chieftaincy?

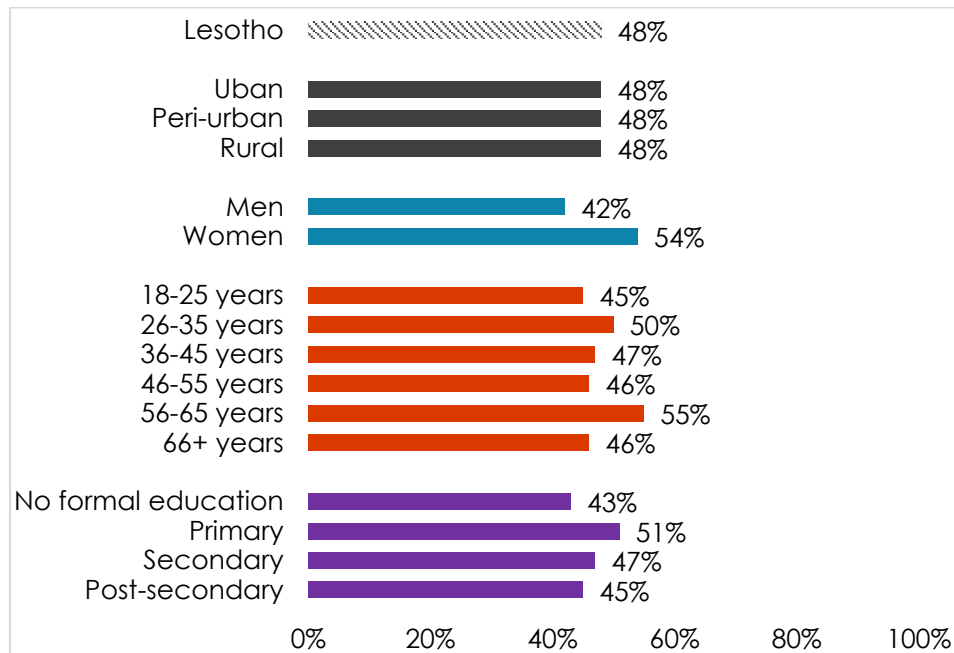
| Lesotho | 2014-2017



Respondents were asked: Which of the following statements is closest to your view?

- Statement 1: The current customary law which provides that only sons can succeed to chieftaincy has served Lesotho and therefore should be maintained.
- Statement 2: The customary law requiring that only sons should succeed to chieftaincy should be changed to allow for succession of daughters.
 (% who "agree" or "agree strongly" with each statement)

Figure 14: Support for changing the law to allow girls to succeed to chieftaincy
 | by socio-demographic group | Lesotho | 2017



Respondents were asked: Which of the following statements is closest to your view?
 Statement 1: The current customary law which provides that only sons can succeed to chieftaincy has served Lesotho and therefore should be maintained.
 Statement 2: The customary law requiring that only sons should succeed to chieftaincy should be changed to allow for succession of daughters.
 (% who “agree” or “agree strongly” that law should be changed)

Conclusion

Lesotho has ratified and domesticated a number of international conventions that aim to protect basic rights and freedoms. But citizens’ voices suggest the country still has a ways to go in turning these legal protections into everyday attitudes and experiences.

Perhaps most shocking, and cause for intensified action, is that the police are widely seen as routinely abusing or torturing those in their custody.

Also cause for concern, for advocates of an unfettered press as an essential part of democratic freedoms, is the sharp decline in support for the media’s right to publish without government interference.

On the gender-equality front, most Basotho say it is never justified for a man to beat his wife, although physical disciplining of children remains a widely accepted practice.

Do your own analysis of Afrobarometer data – on any question,
 for any country and survey round. It’s easy and free at
www.afrobarometer.org/online-data-analysis.

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