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AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY

Enabling Environment Snapshot Lesotho March 2025



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Context

Over the past year, Lesotho's enabling environment for civil society has faced significant challenges and developments affecting civic space, legal frameworks, and state-civil society relations. Key events include incidents of the police and military using excessive force against protesters, legislative debates on digital rights and freedom of expression, and increasing constraints on public participation.

In February 2025, police whipped and arrested some members of the Mokhotlong taxi operators, contractors, and villagers protesting against government policies related to the awarding of jobs in the Lesotho Highlands Water Project dam construction to contractors from outside the district, highlighting concerns over excessive use of force and restrictions on public assembly. Similarly, during the launch of the Polihali Dam under the Lesotho Highlands Water Project Phase II, soldiers violently removed protesting community members, sparking widespread condemnation. Human rights defenders have also faced intimidation, with reports of threats from military officials, further restricting civic engagement.

The ongoing consideration of the 2024 Computer Crime and Cybersecurity Bill in the National Assembly poses another major challenge, as its provisions could criminalise online dissent, restrict access to information, and stifle transparency. Additionally, restrictions on protest permissions under the Public Meetings and Procession Act 2010 have undermined freedom of peaceful assembly, as seen in the cancellation of a planned student demonstration due to the imposition of overly restrictive requirements by the police in February 2025. For the planned student demonstration, the police restricted procession time to two hours and forced students to follow a punishing uphill route to the National Assembly in Maseru.

Public participation in governance remains superficial, with civil society organisations (CSOs) given a limited time to contribute to legislative reforms through comments or the submission of alternative drafts. Reports suggest that government consultations with CSOs are often tokenistic, with its recommendations frequently disregarded in policy-making processes. Furthermore, while international donor funding remains available, it is limited, and CSOs continue to struggle with financial sustainability due to the absence of government support.

The digital space in Lesotho remains relatively open, but journalists and civil society actors face covert surveillance and harassment in the form of threatening messages received via social media platforms. A positive development, however, was the Constitutional Court ruling in November 2023 that struck down a controversial provision of the National Security Service Act of 1998, which had allowed authorities to seize private communication data without adequate legal oversight.

Looking ahead, Lesotho's enabling environment faces potential deterioration if restrictive legislation is enacted and state repression continues. However, opportunities exist for strengthening the enabling environment through improved legal protections for public participation and access to information. The emergence of smaller, more agile CSOs – for example those public interest litigation without external funding and operating through volunteers and pro-bono legal services - could also reshape the advocacy landscape, fostering resilience in the face of growing challenges.

1. Respect and protection of fundamental freedoms

In February 2025, police used excessive force to disperse protesting Mokhotlong taxi operators, whipping and arresting protesters. The police cited violations to the Public Meetings and Procession Act as grounds to disperse the protest. These police actions are at variance with the Lesotho Constitution of 1993, in particular with its provisions on fundamental human rights listed in Chapter two. The 2010 Public Meetings and Procession Act is used to limit and infringe on the following fundamental human rights: freedom from inhuman treatment, freedom of expression, freedom of peaceful assembly, freedom of association and right to participate in government.

The 2010 Public Meetings and Procession Act grants police excessive discretionary power over protest permissions, restricting freedom of assembly. The Act prescribes that citizens have to file a request with police authorities in charge of the area concerned to hold a protest or march. When approved, they are issued a permit certifying that they can go ahead with the protest or march. Lesotho students had planned to present their demands in a march to the Lesotho Parliament. Initially scheduled for 31 January and later postponed to 7 February, the demonstration was eventually cancelled due to restrictive police measures, such as the imposition of overly short time limits and a hazardous route, designed to make the protest illegal and force dispersal.

Additionally, the Seinoli Legal Centre says that during the launch of the Polihali Dam on 23 May 2023 under the Lesotho Highlands Water Project Phase II, soldiers forcibly removed protesting community members from the vicinity of the visiting South African president who was attending the launch, drawing widespread condemnation.

Journalists face intimidation for their investigative reporting. For example, in April 2024, journalist Phafane Nkotsi of the Lesotho Tribune received threats following his reports on alleged corruption. Amnesty International called for authorities to ensure his safety and uphold media freedom.

In an interview in March 2025, human rights defender Advocate Lepel Moeketsi said to have been subjected to threats by the Lesotho Defence Force (LDF) Commander Mojalefa Letsoela who personally threatened him, calling him and accusing him of interfering with military operations after he criticised military interference in civilian matters in a newspaper. This results in restrictions on freedom of expression and press freedom in Lesotho, as this incident shows that journalists are under pressure to provide favourable reporting to avoid facing army threats. The army's involvement in "Operation Hard Fist," meant to combat crime, resulted in human rights violations, including reports of civilian torture and extrajudicial killings.

A looming threat to civic space is the 2024 [Computer Crime and Cyber Security Bill](#), which, if passed, could criminalise freedom of expression, access to information, restrict dissent, and stifle transparency.

According to the [CIVICUS Monitor](#), Lesotho's civic space is 'obstructed', indicating restrictions in civil society's fundamental freedoms. This overreach has been seen clearly with [police instructing media houses not to report stories](#) about Famo music gangs that are associated with illegal mining turf wars in South Africa and many murders in Lesotho.

2. Supportive legal framework for the work of civil society actors

The [Labour Act of 2024](#) is [applauded](#) by workers unions for positively impacting the labour relations by providing mechanisms to address unfair labour practices. Unions under this new dispensation are now free to operate, and hold employers accountable. A majority of associations, civil society organisations, political parties, burial societies for rural communities and community-based organisations register under the Societies Act of 1966 as it caters for all types of organisations to be registered. Cooperative societies that are in most instances profit making entities also register under the Cooperative Societies Act and legal trusts also exist and are registered with the deed's registry. The law office under which societies are registered has minimal control over the registered organisations as its legislation mostly provides the framework for registration and operation of these voluntary organisations. However, there is no legal framework regulating civil society organisations (CSOs) specifically, allowing them to operate freely but also making them vulnerable to government overreach.

Legal barriers persist in accessing information, as no dedicated law ensures civil society's right to public data. Instead, bureaucratic hurdles and [restrictive parliamentary standing orders](#) limit meaningful participation in governance. For instance, National Assembly Standing Order [No 76](#) vests portfolio committees with the power to determine whether or not to invite public participation on Bills. Member of Parliament Mokhothu Makhalanyane [proposed plans to develop a Public Participation Bill in 2024](#) to allow and provide a conducive environment for citizens and entities to participate in the cultural life of the communities for implementation of section 35 (1), or its expansion of the [Constitution](#). The motion to develop this draft was granted by the National Assembly on May 2, 2025.

3. Accessible and sustainable resources

Lesotho has no restrictive law on CSO funding, which allows organisations to receive international donor support without restrictions. However, funding remains a [critical issue as CSOs heavily depend on foreign donors](#), including the US, EU, and Germany. Any [abrupt funding](#) cuts could lead to organisational shutdowns, as seen by recent aid cuts by U.S. President Donald Trump. Some organisations, like the Lesotho Network of AIDS Service Organizations, have already been heavily affected by the cuts in US development assistance,

forcing them to effectively stop operations and send workers home. Other organisations were forced to severely reduce their operations.

Donor selection processes generally lack transparency, raising concerns about favouritism. For example, in an interview conducted on March 3, 2025, a CSO leader said the EU Commission Office in Lesotho handpicked [two CSOs](#), [Development for Peace Education](#) (DPE) and Bacha Re Bacha (Translates: Youth We are Youth), for a training workshop for field mobilisers to support the country's Independent Electoral Commission's voter education. There is no public financial support for CSOs, making them entirely donor-reliant. This issue is particularly acute for minority groups, as seen when some local organisations stopped some programmes following US aid cuts. Minority groups affected include LGBTIQ and organisations serving interests of people living with HIV.

4. State openness and responsiveness

Public participation in governance remains superficial and tokenistic. For example, CSOs were given less than 24 hours to prepare submissions for crucial national legislative reforms when the portfolio committee was dealing with the [Tenth Amendment to the Constitution Bill of 2024](#), limiting meaningful engagement. Parliamentary portfolio committee's reports to the National Assembly on how bills were processed at committee level do not reflect CSO contributions, highlighting their exclusion from decision-making, according to advocate Mokitimi Tšosane, who is a former legal researcher at Transformation Resource Centre.

Additionally, authorities tend to disregard CSO recommendations on national budgeting, [favouring elite interests over pro-poor policies](#). For example, budget allocations have shifted from education (favoured under former Prime Minister Mosisili) to bigger construction projects where most ministers and the incumbent prime minister Samuel Matekane's administration are investing, ignoring [CSO advice on prioritising the poor](#). Despite constitutional protections for freedom of expression, association, and assembly, activists say delays in adopting the Public Participation Policy, which CSOs have been advocating for over a decade, have weakened civil society's ability to engage with the government.

5. Political Culture and Public Discourses on Civil Society

The government frequently dismisses CSOs as opposition fronts. For example, the former Prime Minister Pakalitha Mosisili [accused](#) the Transformation Resource Centre of campaigning for the opposition ahead of elections. Political parties in power regularly criticise or [ignore](#) CSOs, yet once in opposition, they recognise their importance. Allegations against certain CSOs, including [sexual abuse](#) and [financial mismanagement](#) have affected the Transformation Resource Centre and Women and Law in Southern Africa, Lesotho chapter, leading to funding losses and [operational setbacks](#). While this has weakened larger organisations, it has created opportunities for smaller CSOs to assume important roles in government accountability and advocacy, albeit with fewer resources, overburdening smaller

organisations. The enabling environment remains fragile, with these allegations undermining trust and donor confidence in Lesotho's civil society sector.

6. Access to a Secure Digital Environment

Lesotho's civil society generally enjoys online freedom without internet shutdowns or overt government censorship. Online surveillance and privacy violations against civil society actors continue but in a covert manner. Advocate Fusi Sehapi [alleges](#) that even without the regulations, Lesotho already has a pervasive culture of illegal phone tapping and hacking of private communications. However, challenges such as journalists' harassment and privacy concerns persist.

The 2021 SIM and Mobile Device Registration Regulations raised privacy concerns, requiring telecom subscribers' biometric data to be stored in a central database, which is accessible by security agencies without a court order. The Media Institute of Southern Africa [criticised](#) these regulations as violating privacy rights.

In December 2024, Minister Nthathi Moorosi [urged the swift enactment](#) of the Computer Crime and Cyber Security Bill to address digital security threats, currently believed to be at an advanced stage in the legislature. In its current form, the [Computer Crime and Cyber Security Bill 2024](#) gives unfettered powers to government agencies in policing cyberspace, and if passed into law, the Bill will criminalise access to information through computer systems and cyberspace and whistleblowing. It also imposes hefty fines against defaulters.

A positive development has been a Constitutional Court [judgment](#) that declared unconstitutional Section 26(2) of the [National Security Service Act No. 11](#) of 1998. This section was used by National Security Service agents to acquire a Minister-authorized warrant for the search and seizure of mobile phones of politicians claimed to be in possession and circulating classified information. The [section in question](#) says a minister may issue a warrant authorising confiscation of any property specified in the warrant as the Minister thinks is necessary to be taken in order to obtain information. The same section could be used against civil society actors and journalists if it were not declared unconstitutional.

Challenges and Opportunities

A significant challenge is the potential enactment of the [Computer Crime and Cyber Security Bill](#), which threatens freedoms of access to information, expression, and association. The [Computer Crime and Cyber Security bill 2024](#) affects freedom of association in the following ways:

1. Bill grants law enforcement agencies extensive authority to monitor digital communications and access personal data without adequate judicial oversight when enacted. Such powers could deter individuals from participating in online groups or forums, fearing surveillance or reprisal.
 2. Sections of the bill, such as those addressing "unauthorized access" and the dissemination of "false information," are vaguely defined. This ambiguity could be
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exploited to target individuals or groups critical of the government, thereby suppressing dissent and discouraging collective action.

3. Despite a 2018 Constitutional Court ruling that declared criminal defamation unconstitutional, the bill seeks to reintroduce it under Section 43. This move could be used to penalize individuals or groups for expressing dissenting opinions, thereby stifling free association and expression.

The Law Society of Lesotho's regulatory decisions further hinder CSO involvement in strategic litigation for marginalized groups, including women, children, and the LGBTQ+ community. The Law Society announced restrictions imposed by Advocate Lintle Tuke on lawyers employed by Non-Governmental Organizations (NGOs), barring them from representing clients in court. The Law Society of Lesotho said only attorneys from law firms, advocates from chambers, government law officers, and lawyers from parastatals are allowed to represent clients in court. Tuke said even if an NGO has a lawyer in its department, that lawyer can only give legal advice, but cannot represent it in the courts of law

However, the decline of dominant CSOs provides an opportunity for emerging organizations to fill the gap. Strengthening legal protections for public participation and access to information could improve Lesotho's enabling environment for civil society actors to engage with government entities in the coming months. This requires government commitment to enact protective policies and legislation that create an enabling environment for civic engagement, alongside civil society organizations implementing advocacy actions in a free and supported manner.

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