



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Second periodic report submitted by Lesotho
under article 73 of the Convention, due in 2021***

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* The present document is being issued without formal editing.



Acronyms

BDS	Beautiful Dream Society
BOS	Bureau of Statistics
CBL	Central Bank of Lesotho
CBPC	Community Based Protection Committee
CCBG	Committee of Central Bank Governors in SADC
GANHRI	Global Alliance of Human Rights Institutions
IDPs	Internally Displaced Persons
ILO	International Labour Organization
IOM	International Organization on Migration
LHWP	Lesotho Highlands Water Project
LNIG	Lesotho National Insurance Group
LTDC	Lesotho Tourism Development Cooperation
MoLE	Ministry of Labour and Employment
MoSD	Ministry of Social Development
MSC	Multi-Sectoral Committee
NCC	National Coordinating Committee
NISSA	National Information System for Social Assistance
NMRIF	National Mechanism for Reporting Implementation and Follow-up
NRM	National Referral Mechanism
NSS	National Security Service
OHCHR	Office of the High Commissioner for Human Rights
RSA	Republic of South Africa
SADC	Southern Africa Development Community
SDG	Sustainable Development Goals
SOP	Standard Operating Procedures
TiP	Trafficking in Persons
UIF	Unemployment Insurance Fund
UN	United Nations
UNDP	United Nations Development Programme
VoT	Victims of Trafficking

I. Introduction

1. This is the second periodic report submitted by Lesotho and it covers the period from 2016 to 2024. The report highlights the strides the country has made as well as challenges that still lie ahead in the promotion and protection of the rights of all migrant workers and members of their families as set out in the Convention.

II. Report preparation

2. The recommendations were disseminated to various stakeholders through several meetings and a workshop upon receipt of them. In 2018 an ad-hoc committee was set up to come up with a work-plan that would assist in the implementation of the concluding observations and to track progress. However, it did not go through after some few meetings for various reasons ranging from change in membership of committee members and dispute on housing of the Convention between the Ministry of Home Affairs and Ministry of Labour and thus the momentum was lost before the work-plan could be officially adopted.

3. Towards the end of 2021 an Inter-Ministerial National Mechanism for Reporting, Implementation and Follow-up was established and in 2022 officials were nominated. Trainings were carried out on the work and mandate of the NMRIF for principal secretaries and members which included significance of human rights treaties reporting and a work-plan for the NMRIF was devised which stipulated that the sub-committees of the NMRIF will work on the different reports under the coordination of the Human Rights Unit. Compilation of the Convention on the Protection of All Migrant Workers and Members of their Families (CMW) state party report was planned for the 2024/2025 fiscal year.

4. With support from IOM and European Union, in July and August 2024 meetings and a retreat were held with the view to respond to the concluding observations (compilation of the draft report). Sub-Committee members are from the NMRIF and also co-opted members from the National Coordinating Committee (NCC) on Migration. Following a retreat, a draft report was in place and a validation workshop was held for various stakeholders' as dissemination of the draft report and to seek their inputs. Thereafter, the Human Rights Unit consolidated the inputs to form the final draft report. Then it was presented to the Honourable Attorney General and the Honourable Minister of Law and Justice together with Hon. Minister of Labour and Employment for adoption before onward submission to the relevant treaty body.

III. Principal subjects of concern and recommendations

Reply to paragraph 8 of the concluding observations on the initial report (CMW/C/LSO/CO/1)

5. The Government of Lesotho has enacted the Labour Act No.3, 2024 which provides a comprehensive framework for regulating employment relations in both private and public sectors. It further promotes fair labour practices and ensures welfare and rights of both employers and workers. Section 4 of the Act specifically defines a migrant worker as a worker who is engaged in a remunerated activity in a state of which the worker is not a national. Additionally section 6 (1) (l) and 6 (3) (b) of the Act protects migrant workers against unfair discrimination and expressly lists migrant worker as the worker that shall not be discriminated against.

6. Occupational Safety and Health Act No. 4, 2024 regulates safety and health at the workplace. Section 3(1) provides that the Act shall apply to any employment relationship in the private and public service including the agricultural sector, informal sector and the self-employed. The Act protects all workers from diseases and injuries arising from their employment. The Act also establishes safety and health management systems at the workplace. It further promotes development of a national preventative safety and health culture and ensures gradual improvement as people adapt to new approaches to safety and

health inside and outside the workplace. Furthermore, the Act provides for the development of a national profile on occupational safety and health issues.

7. Section 156 (14) of Prison Rules 1957 prohibits the use of unnecessary force on inmates and where force is necessary prohibits the use of excessive force. This protection is also extended to migrant workers when they are incarcerated.

8. Section 12 (5) of Revised Standing Orders of the Lesotho Mounted Police Service 2016 provides treatment and control of detainees wherein makes it mandatory for police to allow detainees communication with his or her relatives or legal advisers however, under close monitoring. It further provides that once a foreigner is arrested, the Ministry of Foreign Affairs and International Relations is informed to liaise with the respective country of origin.

Reply to paragraph 10

9. The Government notes the concern of the Treaty Body regarding the Declarations to allow communications from states parties and individuals regarding violations of rights in the Convention. The Government has carried out consultations with relevant authorities (Ministry of Home Affairs, Ministry of Labour and Employment, Ministry of Law and Justice, and Ministry of Foreign Affairs and International Relations for consideration of the declaration under the convention. However, the decision has not yet been reached on the intention to make the communications Declaration.

Reply to paragraph 12

10. The Government of Lesotho has ratified ILO Minimum Wage Fixing Convention, 1928 (No.26) instead of ILO Minimum Wage Fixing Convention, 1970 (No. 131) since they have the same practical effect in terms of implementation. Convention No. 26 obligates member states to establish mechanisms to set minimum wage rates for workers employed in certain trade segments in which no arrangements exist for the effective regulation of wages by collective agreements or other means. In line with this Convention, the Government has established the Wages and Conditions of Employment Advisory Board, which advises the Minister responsible for labour and employment sector in determining and fixing minimum wages.

11. The Government of Lesotho has also ratified the following ILO conventions: Labour Relations (Public Service) Convention, 1978 (No. 151), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Violence and Harassment Convention, 2019 (No. 190) with the aim of reaffirming the GOL's commitment to safeguard the freedom of association of public employees and the promotion of sound labour relations; the fundamental right to a safe and healthy working environment; and a world of work free from violence and harassment. The new Labour Act also extends protection to all workers including domestic workers.

12. The Government of Lesotho also has the intention to ratify the two key ILO Conventions on Migrant Workers, namely Migration for Employment Convention, 1949 (No 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143). The Ministry of Labour and Employment, through the support of ILO conducted a gap analysis for ratification of both conventions in October 2023.

13. The decision to ratify the optional protocols to allow communications procedures, ILO Private Employment Agencies Convention, 1997 (No. 181) and the ILO Domestic Workers Convention, 2011(No. 189) has not yet been reached.

Reply to paragraph 14

14. In an effort to implement the Convention the Government has developed the following policies, strategies and frameworks policies with a view to assist in implementing the Global Compact on Safe and Orderly Migration as a global requirement.

Lesotho National Migration and Development Policy 2022

15. The Government has revised the National Migration and Development Policy 2013 to formulate the Lesotho National Migration and Development Policy 2022. The overall objective of the Policy is to indicate core areas of policy intervention and to provide a framework for the implementation of migration and development strategies and actions for the national benefit. The Policy also seeks to ensure that the nexus between migration and development is mainstreamed in the policy, legal and institutional domains and that there is coherence and coordination across policies, laws and institutions dealing with migration. This serves to demonstrate synergies in order to ensure that policies, laws and institutional organisation and approaches are consistent and mutually aligned, and in conformity with international and regional benchmarks. The Policy reflects on 13 thematic areas including: Migration Policy, Legal and Institutional Framework, Migration Data Management, Labour Migration, Diaspora Engagement, Remittances, skills Development and Retention, Informal Cross- Border Trade, Migration and Health, Migration and Gender, Irregular Migration, Human Trafficking and Smuggling, Cross- Border Management, Internal Migration and Access to Social Security Benefits for Migrants and their Dependants.

Assessment Study on Internally Displaced Persons, 2022

16. The objective of the study was to collect and analyse information about the situation of internally displaced persons (IDPs) in Lesotho, along with associated risks. Focusing on identified hotspots, the study examined internal displacement induced by rivalries among Famo Music groups in Mafeteng, as well as displacement caused by large-scale development projects in Thaba- Tseka and Mokhotlong. Additionally, Maseru was identified as a hotspot for hosting IDPs.

17. The study employed multi-methods approaches, including key informant interviews, observations, and focus group discussions with victims of internal displacement. Furthermore, an intensive literature review explored frameworks guiding internal displacement in Lesotho. The study identified several drivers of internal displacement, including the Lesotho Highlands Water Project (LHWP), Famo Music gang rivalries, South African illegal mining conflicts, livestock theft, rangeland disputes, drought, poor agriculture production, gender-based violence and witchcraft.

18. The Government of Lesotho and the Republic of South Africa signed a Lesotho Water Highlands Treaty in 1986 for construction of water dams to supply South Africa with water, which was discharged in two phases. In the first phase, 71 households were relocated for the construction of Katse Dam while 325 households were relocated or resettled for Mohale dam construction. In the second phase 248 households were resettled or relocated for both dams.

19. The Assessment Study on Internally Displaced Persons also revealed that in 2021 some people were displaced fearing for their lives from Famo groups in Mokhotlong. In particular, two incidents were highlighted: a massacre in Khubelu village where eight people were shot dead and over 22 households were burnt down in Mapholaneng.

Labour Migration Policy 2020

20. The objective is to align the governance of labour migration in Lesotho with relevant international labour standards and best practices, ensuring adherence to regional provisions on labour migration. Additionally, the objectives include safeguarding the human rights of migrant workers both within and outside Lesotho's territorial boundaries, promoting employment and decent work through labour migration, ensuring social security access for migrant workers and their families, and leveraging labour migration to contribute to Lesotho's economic development.

21. The policy recognises the importance of safeguarding the rights of migrant workers. Section 6 of the labour migration policy focuses on providing optimal protection and quality conditions for Basotho migrant workers abroad. Section 6.2.3 which addresses promoting ethical recruitment, confers setting up a consistent legislative, regulatory, and operational framework to support and enforce ethical recruitment practices. Moreover, it mentions establishing three specialised units for Pre-departure Training and Sensitization, Contract Vetting, and Registration, Licensing, and Training of private employment agencies. The

policy also suggests developing national campaigns to combat fraudulent recruitment practices. The implementation of this section is similar to the request under paragraph 28 of this report, thus reference shall be made to such paragraph.

22. The policy further provides for return and reintegration of returning migrant workers in the labour market. Section 7 specifies that the Ministry of Labour and Employment, together with employers' organisations, should establish integration programs designed to inform migrant and local workers about their rights and responsibilities, promote integration, and prevent any form of discrimination and xenophobia.

23. In an effort to implement section 7 of the Labour Migration Policy in 2020, the Ministry of Labour and Employment (MOLE), in partnership with the Ministry of Social Development (MOSD) and Local Government, implemented a return and reintegration initiative to support Basotho labour migrants who lost their jobs in sectors like construction, mining, farming, and domestic work due to COVID-19 pandemic.

24. The project addressed the livelihood needs of 264 vulnerable individuals (66 males and 168 females) by providing skills training opportunities and promoting social cohesion through community development activities across five districts (Qacha's nek, Quthing, Mohales'hoek, Mafeteng and Leribe) and community councils. As part of this initiative, 198 beneficiaries (82 males and 116 females) received support under the Skills Training component.

25. Also, under this policy the country has developed Skills Gap Assessment in the Occupation and Demand List was developed to enhance the work permitting system in the country and Recruitment guidelines for internal migrant workers. There is also a checklist for Labour Inspectors for identifying human trafficking indicators. There is also the Labour Migration Roadmap which was developed in 2022 in collaboration with tripartite plus partners and the development partners.

Challenges

26. Despite the positive impacts of migration on the Lesotho labour force, the migration process also presents considerable challenges because many migrant workers, especially low-skilled workers, face exploitative working conditions and enjoy only limited human and labour rights in the host countries. In recent years Lesotho has experienced an increasing loss of its skilled professionals, with the health sector being the most affected.

Kingdom of Lesotho Anti Trafficking in Persons Strategic Framework and Action Plan 2021-2026 (Standard Operating Procedures (SOP) and National Referral Mechanism (NRM) for Victims of Trafficking)

27. The Anti-Trafficking in Persons (Amendment) Act was adopted in 2021 and introduces some important changes to the TIP-related definitions, including clarifying that in child trafficking the 'means' do not have to be present to constitute a case of human trafficking, so long as the 'act' and the 'purpose' (exploitation) are present. Following the adoption of the Amendment Act the Government developed the National Referral Mechanism for the Protection of Victims of Trafficking Guidelines. The overall objective of the guidelines is to support the coordinated identification of referral and provision of protection assistance for victims of trafficking in persons in line with national policy, legislation and international best practices.

28. To implement the objectives of the Kingdom of Lesotho Anti Trafficking in Persons Strategic Framework and Action Plan 2021-2026 (Standard Operating Procedures (SOP) and National Referral Mechanism (NRM) for Victims of Trafficking (VoTs), the Government with the technical and financial support of IOM has been implementing counter trafficking activities since 2018 - 2023. This support extended to civil society in strengthening TiP response focusing on prevention and protection.

29. Further, the Government carried out review on legal framework on TiP was conducted which resulted in the development of Standard Operating Procedures (SOP) for law enforcement, National Referral Mechanism (NRM) for VoTs, Handbook for diplomats.

National Strategic Development Plan II

30. The Government has developed the National Development Strategic plan II 2018/19 to 2022/23 extended to 2024/2025 to 2028/ 2029. This strategy was influenced by the 2016 census which indicated that over 90% of the population had moved from their districts of birth. Also, the census indicated that 179, 579 household members were out of the country which represents 8.1% of the total population with 124, 386 in Republic of South Africa and others in the rest of Africa and United Kingdom (UK). Further, a small number of asylum seekers had settled in South Africa estimated at 1437 in 2016. However, because in most cases migration takes place through irregular channels, it is difficult to quantify.

Diaspora Policy 2022

31. The objective of the policy is to influence the increase contribution of the Basotho diaspora in the socio-economic development of the country. The policy is meant to strengthen the government of Lesotho's institutional capacity to fully coordinate diaspora affairs and mobilize the Basotho diaspora. This policy addresses issues of all diaspora both skilled and professional and unskilled vulnerable diaspora. The provisions of the diaspora policy are on the interest of investments programs and vulnerable migrants engaged in knowledge transfers. Lesotho National Development Corporation developed the National Diaspora Investment and Trade Strategy to engage the diaspora in ensuring mobilisation of investment in Lesotho.

32. Under this policy the IOM in partnership with Central Bank of Lesotho and the Ministry of Foreign Affairs and International Relations developed Remittances Strategy to ease transfer of money for Basotho in diaspora to transfer money to their families. This is done through financial institutions such as Mukuru, Shoprite, Eco-cash and M-pesa etc.

Migration Profile 2023

33. The Government solicited the support from IOM to strengthen the coordination role of BoS to establish data management practices that enables production and sharing of reliable data. The Migration Profile enhances the effective management of migration and improves availability of reliable data that informs development and proper planning for migration streams.

Reply to paragraph 16

34. The Government of Lesotho through the Ministry of Local Government, Chieftainship, Home Affairs and Police has established the intergovernmental coordination of Migration and Development through the National Consultative Committee on Migration and Development (NCC) and the Multi Sectoral Committee on Anti- Trafficking in Persons.

35. To further strengthen the efforts in coordination, collaboration and reporting, the Ministry of Justice and Law has established the standing body called Inter-Ministerial National Mechanism for Reporting, Implementation and Follow-up (NMRIF) through a Cabinet decision in August 2021. Its mandate is to coordinate all activities relating to implementation, reporting and follow-up of all human rights treaties to which Lesotho is a State Party. The Secretariat of the NMRIF is the Ministry of Justice and Law (Human Rights Unit) and is responsible for coordination of all activities relating to it. The NMRIF has received several trainings and technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) and Commonwealth Secretariat with a view to capacitate it to carry out its mandate effectively. Through the assistance of IOM and European Union, the NMRIF has managed to submit state party reports including this one.

36. In pursuing its functions, the Terms of Reference of the NMRIF dictates that some relevant institutions or agencies be co-opted into Sub-Committees of the NMRIF as and when necessary depending on a particular state party report being compiled. However, the challenge faced by NMRIF is that its authority is limited in that it cannot hold its members accountable for non-attendance and even those who do not complete tasks allocated to them. Another challenge is that it does not have financial resources (e.g. equipment).

Reply to paragraph 18

Integrated Migration Data Management System

37. The Government of Lesotho has been supported by IOM to strengthen the country's migration data management practises and to develop methodology for migration data collection, sharing and analysis. This system is housed under the Bureau of Statistics (BOS). It connects ministries of Labour, Home Affairs, Foreign Affairs and International Relations, Central Bank, BOS and Lesotho Tourism Development Cooperation (LTDC). With a view to speedily computerize, analyse and share migration data among migration data producers and users. Notwithstanding this initiative, challenges still remain particularly on migration data sharing as the key ministries have limited resources for successful implementation of the system.

38. In addition, the Government through the support of IOM has developed Data Migration Profile 2023 which was published in June 2024 to assist the Government in mainstreaming of migration into the policy planning process. The profile provides for: migration trends, impact of migration and legislative framework which is disaggregated by sex, age, migratory status and nationality. This profile also supports enhancement of policy coherence, evidence-based policy making and mainstreaming of migration into development planning.

Reply to paragraph 20

39. The Parliament of Lesotho promulgated The Human Rights Commission Act 2016. This Act establishes a national human rights commission. Section 3 postulates that the mandate of the Commission is to promote, protect, monitor and sustain human rights in Lesotho in accordance with the Constitution and other laws of Lesotho; and regional and international human rights instruments to which Lesotho is a State Party. This is in line with Paris Principles. The mandate extends to migrant workers and members of their families as set out in the Convention.

40. The positions of personnel for the Commission were tabled to the Public Service Commission and the Human Rights Commission (Selection Process for Members) Regulations 2016 were effected. The Human Rights Commission Act 2016 states that the Commission shall perform the following functions as stipulated in section 7:

- “(a) Monitor the state of human rights throughout Lesotho;
- (b) Monitor the human rights situation of detainees;
- (c) Investigate violations of human rights and, if necessary, be responsible for instituting proceedings against such violations in the courts of law;
- (d) Sensitize the public on its work, the nature and meaning of human rights;
- (e) Develop and deliver education and training programmes as necessary to the general public;
- (f) Submit opinions, recommendations, propositions and reports to public institutions on human rights issues, using the media and other means;
- (g) Advocate for ratification, and recommend the domestication, of international and regional human rights instruments;
- (h) Promote and monitor the harmonisation of national laws and practices with international and regional human rights instruments to which Lesotho is a State party;
- (i) Develop and maintain working relations with organizations and representatives of civil society in Lesotho;
- (j) Work in cooperation with the United Nations, regional mechanisms, national human rights institutions of other countries in the areas of the promotion and protection of human rights; and

(k) Undertake any other activities or responsibilities that are consistent with the spirit of the promotion and protection of human rights.”

41. Nonetheless, the Commission is not yet operational. This because some of the Civil Society Organizations (Transformation Resources Centre, Development for Peace Education and the Lesotho Council of Non-governmental Organisations) criticized the Act. Their argument was that the Act does not comply with the Paris Principles, especially pertaining to the appointment of Commissioners. The Civil Society Organizations attempted to lodge a case against the Government where they expressed dissatisfaction with the procedure during the passing of the Act and on the appointment and dismissal procedures of the Commissioners. The parties resolved that further consultations be made and the Act be amended accordingly.

42. In order to effect the said amendment, the starting point was to amend the Constitution. The 10th Amendment to the Constitution was approved by Cabinet and is before Parliament for consideration. The Amendment Bill seeking to amend the Human Rights Commission Act 2016 will be taken to Parliament once that of the Constitution has been passed.

43. The Government of Lesotho has committed budget for the Commission. This fund will be disbursed to the Commission to enable it to effectively discharge its mandate upon operationalization.

44. In addition to the Government budget, the Global Alliance of National Human Rights Institutions (GANHRI), United Nations Development Programme (UNDP) and Office of the High Commissioner for Human Rights (OHCHR) formed the Tripartite Partnership to Support National Human Rights Institutions (TPP) in 2011. From this TPP the Ministry Law and Justice received support in the amount of USD 40,000 which was used to procure furniture for office of the Human Rights Commission. Over and above the TPP financial support, the Government and United Nations (UN) have secured funding from the Peace Building Fund for capacity building and support to the Commission once it is operational.

Reply to paragraph 22

45. The Government through Ministry of Labour and Employment with the support of IOM held a workshop training for officials from: Immigration, police, National Security Services (NSS), public prosecution, magistrates, Ministry of Trade and Industry, Social workers, private employment agencies and recruiters in June 2024. This covered the districts of Leribe and Quthing. The training was on migration trends and emerging issues, fair and ethical recruitment and the extent to which the newly enacted Labour Act 2024, Occupational Safety and Health 2024 and the Workmen’s Compensation Regulation 2024 cover migrant workers and the linkages with other laws that have a bearing on migration in Lesotho. Additionally, in 2021 labour inspectors, social workers, immigration officers, police and public prosecutors, diplomats and consular officers were trained on Anti-TiP and Fair and Ethical Recruitment Practices. Further, the following initiatives were conducted and supported by IOM:

- Establishment of District Multi-sectoral Committees in four districts;
- Four joint inspections led by Anti-TiP Unit in collaboration with MoLE and Home Affairs;
- Established and strengthened 65 Community-Based Protection Committee (CBPC) in Maseru and Leribe among which 47 CBPCs have Action Plans on TiP prevention and VoTs protection is in place;
- Sensitization campaigns on TiP to 21,955 out-of-school youth, school-going youth, church and traditional leaders in four districts (Butha Buthe, Thaba Tseka, and Mokhotlong), 80% of sensitized populations demonstrate their intended change of behavior;
- Sensitization of 10,311 labour migrants (around factories in Maseru, Leribe and Quthing) and 66 foreign migrants in Lesotho on the risk of TiP. 84.5% of sensitized labour migrants demonstrated their increased caution against foreign recruitment;

- 15 female VoTs were physically, psychologically rehabilitated and reintegrated to the community of origin/family.
46. In 2022 visits around consulates in RSA to create awareness on trafficking in persons and migration specific human rights training for diplomats conducted through Multi-Sectoral Committee (MSC).
47. During the previous labour law dispensation, (the Labour Code 1992 section 149 – 163) provided for attestation and transfer of contracts, pre-departure induction and reintegration of migrant workers. To give effect to aforementioned provisions, the Government through the Ministry of Labour and Employment drafted and adopted guidelines in 2021 on fair and ethical recruitment which will guide migrant workers, employers, recruitment agencies, and all other relevant stakeholders on protections, rights and obligations migrant workers at departure stage, during transit, at arrival, during stay in their destination countries, and upon return to their home country.
48. The Government of Lesotho through the Ministry of Home Affairs has developed Guidelines on National Referral Mechanism for the Protection VoT (NRM). The guidelines set out cooperative working arrangement for the protection of victims of trafficking at national level. The NRM provides six stages of assistance, namely: identification, initial case type determination, immediate need or long term needs, return and reintegration. With a view to give effect to stage one (identification), MoLE conducts pre-departure orientation for migrant workers at respective labour offices in their districts. In addition, Labour inspectors raise awareness for those in employment continually. Language used differs according to recipients of information. For example, in Quthing, Xhosa, Sephuthi and Sesotho are commonly used languages. To improve access to information on workers’ rights, the Government translated the Labour Code in to Sesotho.
49. The Government of Lesotho has established a Multi-Sectoral Committee which comprises public officials, employers’ organisations, workers’ organisations and civil society organisations such as, Skills Share – Lesotho, Migrant Workers Association, Catholic commission for Justice and Peace and Beautiful Dream Society, for effective coordination and collaboration on issues affecting migrant workers, including disseminating information.
50. In collaboration with the media, the Government with support from IOM, conducted regular radio programs which reached over 1,000,000 listeners. Additionally, produced, printed and distributed 6,432 brochures to the at-risk populations to inform them about the VoT shelter and its services as well as the call centre contacts.

Reply to paragraph 24

51. Section 18(1) of the Constitution makes any law with discriminatory provisions or effect presumptively invalid. Discriminatory provision is defined as “affording different treatment to different persons attributable wholly or mainly” to their respective descriptions by race, colour, sex, language, and nationality among others. Under the auspices of this provision, the principle of non-discrimination also applies to migrant workers subject to Lesotho’s jurisdiction in respect of the laws, policies, and access to services amongst others.
52. With regards to opportunity to work and basic work conditions, the Constitution in section 30 provides that:
- “Lesotho shall adopt policies aimed at securing just and favourable conditions of work and in particular policies directed to achieving –
- (a) Remuneration which provides all workers, as a minimum with –
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, and in particular, women being guaranteed conditions of work, including pension or retirement benefits, not inferior to those enjoyed by men, with equal pay for equal work; and
 - (ii) A decent living for themselves and their families;

(b) Safe and healthy working conditions;

(...).”

53. The listed grounds of the principle of non-discrimination as enshrined in the Constitution are encapsulated in the Labour Act 2024 under unfair discrimination. Section 6 of the Act provides protection against unfair discrimination and makes non-exhaustive grounds for unfair discrimination as follows:

A person who makes an application of any distinction, exclusion or preference on the following basis, constitute an act of unfair discrimination; race; colour; gender; disability; sexual orientation; pregnancy; marital status; HIV and AIDS status; religion; political affiliation or opinion; national extraction; social origin; age or any other ground which has the effect of nullifying or impairing equality of opportunities or treatment in employment or occupation.

54. Section 7 of the Act also defines ‘unfair labour practice’ as any unfair act or omission by an employer towards a worker or any person who needs protection in a work place. Pursuant to sections 6 and 7 of this Act and section 18 of the Constitution, the rights and privileges conferred to the nationals extend in principle to all the migrant workers. These rights are however not equally enjoyed by the irregular migrant workers as they are usually hesitant to claim their rights under the Act for fear of being discovered and deported to their respective home countries.

55. Regarding education, section 30 of the Constitution stipulates that:

Lesotho shall endeavour to make education available to all and shall adopt policies aimed at securing that education is directed to the full development of the human personality and sense of dignity and strengthening the respect for human rights and fundamental freedoms; and primary education is compulsory and available to all, amongst others.

56. In this regard, children of migrant workers have equal access to primary education as the citizens.

57. Lesotho has taken progressive measures towards realisation of the right to education within its borders. Under the auspices of this provision, Lesotho adopted Free Primary Education Policy 2000. Thereafter, the Education Act 2010 was enacted, pursuant to which primary education is available and free in public schools without discrimination. Free primary education extends to children of both regular and irregular migrant workers who opt for public schools.

58. The Government has programs with which it covers secondary and tertiary education for children in need, orphaned and vulnerable children. These are programs under the Ministry of Social Development and the Ministry of Finance and Development Planning. These bursaries are however only for citizens who are in need and vulnerable and do not extend to children of migrant workers and members of their families. Despite these, migrant workers are not restricted in law and in practice to access education in Lesotho.

59. In the health sector, the National Healthcare Policy 2017 was adopted and provides that primary health care services in Lesotho shall be in line with the Alma Ata Declaration 1979 and the Ouagadougou Declaration 2008. Also that, essential health-care services shall be affordable and universally accessible to all in Lesotho. It further provides that the practical delivery of these services shall be in line with fundamental human rights principles.

60. According to these policies, the health services are highly subsidised for all within the boundaries of Lesotho. The primary health care services being offered for free and secondary offered at the cost of M15.00 (\$0.83) in public health institutions. To guarantee that health services are accessible to all, no identity documents are required at health institutions. This makes these services equally accessible to both regular and irregular migrant workers and their families in a similar manner to the Basotho.

61. Further, migrant workers and members of their families in Lesotho have equal treatment as the citizens. They have equal access to primary health care. This treatment is

also extended to migrant workers who are in an irregular situation. There is no special documentation they are required to produce which would otherwise deny them these services.

Reply to paragraph 26

62. In practice Lesotho has no special or particular procedure prescribed in law for the migrants. Both the nationals and migrant workers and members of their families including those in irregular situations follow the same channels to file their complaints and obtain effective redress before courts. In situations where migrants have violated the domestic laws, they are brought before the courts of law on an equal footing with the nationals. However, there has not been cases in the country where migrant workers have brought cases before courts to vindicate their rights in different judicial and quasi-judicial forums.

63. In order to inform migrant workers and members of their families including those in irregular situations, about the judicial and other remedies available to them in cases of their rights under the Convention, the country employs media platforms; radios, Television, newspapers and Social Media (Facebook and X, formally known as Twitter) to inform populace about the laws and procedures to follow when vindicating their rights.

64. The Government of Lesotho through support of Development Partners such UN Agencies, International NGOs and Local NGOs takes additional measures to inform all the population together with migrant workers and members of their families including those in irregular situations through workshops, public gatherings, community engagements. These initiatives are not discriminatory to the extent that the targeted population is not expected to produce any form of identification in attending such activities.

Reply to paragraph 28

65. In 2017, the International Labour Organisation (ILO) decent work team in Pretoria provided a capacity building initiative to strengthen the knowledge base of 35 labour inspectors. The aim was to extend the coverage of inspections to the informal economy to address decent work deficits in the sector. However, Lesotho's informal sector remains not organized which makes it difficult to conduct inspections. Nonetheless awareness raising campaigns are carried out to sensitize them on their rights at work. As such there are no cases regarding exploitation of migrant workers particularly in the informal sector.

66. In 2021, IOM also capacitated labour inspectors, social workers, immigration officers and law enforcement agencies to investigate, prosecute and withdraw victims of forced labour and sex trafficking. Post these capacity building initiatives, the Government has been able to conduct inspections identifying migrant workers that are subjected to forced labour. For instance, in 2023, 191 Anti-Trafficking in Persons and Smuggling Joint Inspections were carried out in the following districts; Leribe, Botha-Bothe, Mofeng's Hoek and Mafeteng. This is an improvement from 75 inspections that were carried out in 2022.

67. The purpose of the exercise was to identify victims of trafficking in persons and smuggling of migrant workers and members of their families through systematic inspections of employment certificates, wages records, attendance registers and residence permits of expatriates. This exercise was carried out pursuant to the repealed Labour Code Order, No.24 of 1992 and the existing Alien's Control Act No.16 of 1966.

68. The current Labour Act 2024 still provides for these inspections in section 65 (1) (b) which provides that:

Labour inspector shall enter, inspect and examine freely without prior notice, any land, building, private dwelling, installation, premise, camp, aircraft, vessel, vehicle, place or structure which a worker or recruited person is employed, housed, transported or where there is a reason to believe that the worker or recruited person is employed, housed or transported.

69. In 2023, 237 migrant workers were interviewed during the Anti-Trafficking in Persons and Smuggling Joint Inspections to determine whether there is any form of

exploitation that migrant workers are subjected to. Out of 237, 110 indicated that their employers withheld their documents which is tantamount to labour exploitation. The said inspections were carried out in the following four districts: Mafeteng, Mohale's Hoek, Leribe and Butha-Buthe. The Treaty body is invited to note that these initiatives only covered migrant workers who were engaged in the formal sector (retail and textile and manufacturing industries).

70. The table below provides a summary of migrant workers interviewed during the joint inspections carried out in 2023. The data is disaggregated by district, sex and nationality.

Table 1
Migrant workers interviewed by district, sex and nationality

<i>District</i>	<i>Sex</i>	<i>Nationality</i>
Mafeteng and Mohale's Hoek	19 females	69 Chinese
	62 males	8 Indians
		2 Pakistanis
		1 Zimbabwean
		1 Nigerian
Leribe	76 males	39 South Africans
	12 females	18 Indians
		9 Sri Lankans
		3 Pakistanis
		1 Filipino
		1 Malawian
17 Chinese		
Botha-Bothe	28 females	18 Pakistanis
	40 males	15 Indians
		35 Chinese

71. During the reporting period the responsible ministries have not received any reports on incidents of xenophobia, ill-treatment and violence directed at migrant workers and members of their families, particularly Asian migrant workers.

72. The Ministry of Labour and Employment through the Inspectorate Unit hosted monthly radio programmes at Mafeteng Community Radio Station. This was an effort to raise awareness on the rights of workers in general to achieve workplace compliance with the Labour laws. The programme covered basic conditions of employment. The main focus was on; forced labour, severance pay, hours of work and minimum age into employment. However, the central authority responsible for receiving reports on cases of xenophobia has not received any during the reporting period.

Reply to paragraph 30

73. The Government of Lesotho through the Ministry of Home Affairs houses the department of Immigration. The department is authorized by Law to impose sanctions and penalties on immigrants who break the immigration laws. The penalty is M200.00 (\$11.16) per week of overstay and M20.00 (\$1.12) for any other offence (this is the judicial sanction) pursuant to Aliens Control Act of 1967. After an immigrant has been penalised, he/she is requested to submit his documents for regularization. The administrative detention is a last resort and has not been imposed yet.

74. Below is the table demonstrating disaggregated data of immigrants by year.

Table 2
Number of immigrants penalised per year

<i>Year</i>	<i>Number of immigrants</i>
2017	Nil
2018	17
2019	3
2020	4
2021	5
2022	2
2023	6
2024 (end of August)	12

75. The Department of immigration is empowered by law to impose administrative sanctions in order to ensure that immigrants who have violated immigration laws are not detained with persons accused or convicted of a crime.

76. The Government of Lesotho has enshrined in its Constitution minimum guarantees that are afforded by the Convention with regard to criminal or administrative procedures against migrant workers and members of their families. Section 12 of the Constitution affords all citizens including migrant workers and members of their families together with migrant workers in an irregular situation the right to fair trial. It states:

- (1) If a person is charged with a criminal offence, then, unless the charge is withdrawn the case shall be afford a fair hearing within a reasonable time by an independent and impartial court established by law.
- (2) Every person who is charged with a criminal offence –
 - (a) ...
 - (b) Shall be informed as soon as reasonably practicable, in a language that he understands and in adequate detail, of the nature of the offence charged;
 - (c) Shall be given adequate time and facilities for the preparation of his defence;
 - (d) Shall be permitted to defend himself before the court in person or by a legal representative of his own choice;
 - (e) ...
 - (f) Shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of a charge.

77. Further, Section 8 safeguards freedom from torture for all citizens including migrant workers and members of their families together with those in irregular situations. It ensures protection from torture, cruel, inhumane or degrading treatment or punishment that they may be subjected to. This provision guarantees the respect for their inherent dignity.

78. Moreover, the citizens including migrant workers and members of their families together with those in irregular situations have the right to challenge the legality of detention procedures before the High Court of Lesotho. Detained migrant workers and members of their families have the right to be informed properly in the language they understand of the reason of their detention and the charges levelled against them.

79. In practice, the Ministry of Police engages with the Ministry of Foreign Affairs and International Relations to inform the migrant workers' families and authorities in their countries of origin to ensure that they have legal assistance if necessary. Section 8 states:

- (1) No person shall be subjected to torture or to inhumane or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment that was lawful in Lesotho immediately before the coming into operation of this Constitution.

Reply to paragraph 32

80. The embassy and consulate personnel get trainings on relevant laws and procedures in force in countries where they are being posted as well as where there are Basotho migrant workers.

81. The Government of Lesotho through the Ministry of Foreign Affairs and International Relations supported by the IOM developed the Handbook for Diplomatic and Consular personnel. The aim of the Handbook is to assist and protect victims of Trafficking. In 2022 the multi-sectoral committee conducted visits around consulates in Republic of South Africa to create awareness on trafficking in persons and migration specific human rights for diplomats.

82. There is a National Referral Mechanism for the Protection of Victims of Trafficking. This tool also assists the consular and diplomats in referring Basotho migrants to relevant offices in case of need. In addition, the NCC has conducted trainings for diplomats already posted on trafficking in persons, forced labour and sex trafficking.

83. Also, the Government of Lesotho through the MoLE and Foreign Affairs and International Relations deploy the Labour Attaché in the consular offices in RSA to assist the Basotho Migrant workers and their families. The work. Several consular services are provided by the embassy of Lesotho situated in South Africa. These include visa or passport processing, marriage registration, Issuing emergency travel documents, Birth Certificate, Power of attorney etc. along with document legalization as well. This services are offered in countries where Lesotho has established embassies.

Reply to paragraph 34

84. Lesotho has no cases involving non-compliance with the principle of equal pay for work of equal value have been discovered during regular labour inspections in the reporting period (2016-2024).

85. The Ministry of Labour and Employment conducted 818 unannounced labour inspections in the 2022/23 fiscal year. Out of these proactive inspections conducted, 478 were routine inspections, 257 follow-ups and 103 specific inspections. The Labour Code empowered the labour officers with powers to institute and carry on proceedings with respect to any contravention against any of the provisions of the Code.

86. As a result, the inspectorate has been able to instigate 107 prosecutions country wide for non-compliance with section 165 of the repealed Labour Code Order 1992 (now provided for in section 161 of the Labour Act 2024) which obligates non-citizens to possession of a valid certificate of employment (work permit) before accepting employment. Out of the all prosecutions, 105 were instituted for non-observance of possession of valid certificate of employment. Both the employer and employee were fined M1000.00 (around \$55) by the Magistrate Courts.

87. During these inspections, one of the principles being upheld is non-discrimination and ill-treatment. Therefore, all migrant workers enjoy treatment not less favourable that which applies to nationals in respect of remuneration in line with target 8.8 Sustainable Development Goals.

Reply to paragraph 36

88. Lesotho and Republic of South Africa have an arrangement wherein Basotho migrant workers in South Africa are included in the social security protection on an equal treatment

to South African nationals. For instance, they are covered under Unemployment Insurance Fund (UIF) which includes unemployment, maternity, paternity, sick leave and death benefits.

89. Despite the administrative arrangements made, however, accessibility of such benefits remain a problem. This issue on portability was tabled at a bilateral meeting that was held in July 2023 although the issue stands to be finalised.

90. The Government of Lesotho has also adopted the National Social Security Policy in 2021. This policy makes it voluntary for Basotho working abroad to register and contribute to the social security fund for affordable saving vehicles for individual precautionary reasons and for the protection of their families. There is National Social Security Bill 2024 which will, once enacted, make it compulsory the registration and contribution of migrant workers in Lesotho, unless they prove that they are covered in their countries of origin. This envisaged law also provides for portability of these benefits subject to international obligations.

91. Presently, Workmen's Compensation Act 1977 as amended section 2 states:

Meaning of 'workman' and application of Act

(1) In this Act, unless the context otherwise requires, the expression "workman", subject to the provisions of section 4, means any person who has, either before or after the commencement of this Act, entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour or otherwise, whether the contract is expressed or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done.

92. Section 4 states:

Application to workmen employed by the Government

(1) This Act shall apply to workmen employed by the Government in the same way and to the same extent as if the employer were a private person.

(2) Notwithstanding sub-section (1) and section 2, nothing in this Act shall apply to –

(a) ...

(b) A workman in the services of the Government where in consequence of injury received by him in the discharge of his duties, a pension or gratuity is payable to him or, in the case of his death, to any of his dependants under any Act providing for the grant of such pension or gratuity.

93. These above provisions of the law apply equally to Basotho and migrant workers and members of their families including those in an irregular situation. However, since it remains the responsibility of the employers to ensure that employees enjoy this rights, the challenge remains as some of the employers do not comply. It is envisaged that this will be addressed when the Bill has been passed as it provides for inspections.

Reply to paragraph 38

94. All Diplomatic Missions and Consulates offer birth registration services. The Consular keep birth registration forms, which upon completion are sent to the capital for processing into birth certificates which are returned to respective Missions through diplomatic channels for collection.

95. The Lesotho Special Permit scheme has been extended with 2 years from 2023 to 2025.

96. The Ministry of Home Affairs in collaboration and support from IOM carried out awareness campaigns on the birth registration for children, human trafficking, child labour and cross border crimes. These campaigns were carried out in following four provinces in South Africa: Gauteng, Kwazulu-Natal, Eastern Cape and Free State.

97. The other objective of these campaigns was to make an assessment of the children at risk of statelessness due to lack of birth certificates. This assessment revealed that a total of

177 Children between the ages of 0-18 years in Sterkspruit and Aliwal-North (Eastern Cape) were recorded undocumented and at risk of statelessness. At the time of reporting, the efforts are underway to ensure that those children are registered and documented.

98. Lesotho consular offices in South Africa held awareness-raising campaigns for citizens of Lesotho in irregular situations in South Africa. They were held Free State, Western Cape, Kwazulu-Natal and Eastern Cape.

99. To intensify efforts for the implementation of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, the Government of Lesotho has the Immigration and Citizenship Bill 2019. The bill provides for granting of citizenship to the foundlings found in Lesotho and people who are at the risk of being stateless. In addition, The Refugee Act 1986, and 1986 Regulations provides for family training and reunification.

Reply to paragraph 40

100. Due to financial and technical constraints, the Government of Lesotho has not yet conducted a study on the situation children of migrant workers with respect to access to education. The Government will welcome financial assistance in this regard.

Reply to paragraph 42

101. Basotho migrant workers abroad have to come to Lesotho at their own expenses in order to exercise their right to participate in elections and or be elected to office. So far, only those in South Africa come Lesotho in considerable numbers during the period of elections as transport fare is considerably affordable. On other occasions, the travelling costs are covered by the leaders or candidates of political parties who stand for elections. The Constitution of Lesotho Section 20 states:

Right to participate in government

- (1) Every citizen of Lesotho shall enjoy the right –
 - (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
 - (b) To vote or to stand for election at periodic elections under this Constitution under a system of universal and equal suffrage and secret ballot;
 - (c) To have access, on general terms of equality, to the public service.

102. This section affords every Mosotho national to participate in issues of development including the elections. However, there is no deliberate mechanisms in place to ensure that Basotho migrant workers abroad can vote and be elected to office in the state party.

Reply to paragraph 44

103. In order to address challenges posed by Aliens Control Act 1966 on the power to order family reunification which is at the discretion of the minister responsible for administering the Act, The State party has introduced The Immigration and Citizenship Bill 2024 as an appropriate measure to facilitate the family reunification of migrant workers and members of their families in line with article 44 of the Convention. The new regime is founded on the following Sections 26, 27 and 29.

Reply to paragraph 46

104. The Government of Lesotho through the support of IOM and UNDP conducted the rapid assessment study on remittances for cost reduction, enhanced financial inclusion and increased resilience of migrants and remittances receiving families in Lesotho July 2022. The purpose of the study was to determine the standard rates for remittance transfer fees

applicable. The intention was to inform the Government on the strategy to employ in assisting migrants to transfer their remittances to their families at the reduced cost in line with target 10.c of the Sustainable Development Goals.

105. Through the above study, the country has developed the Remittance strategy with the aim to strengthen Lesotho's remittance system through digital and regulatory channels and address financial inclusion by reducing transfer costs.

106. To enhance the transfer of remittances of both migrant workers in Lesotho and Basotho migrant workers abroad, there is a collaboration and engagement with South Africa Reserve Bank and National Treasury on issues of mutual interest including remittance transfers. Also, the country has made significant progress to collaborate with other countries in the region through the Committee of Central Bank Governors (CCBG) in SADC.

107. The South Africa-Lesotho cross-border remittance market is formally served by Muku and Shoprite group. The average cost for remitting through Muku is 9.1 per cent for both US\$100 and US\$200. On average Shoprite money transfer is the cheapest with the average cost of remitting at 1.46 per cent and 0.6 per cent for US\$100 and US\$200 respectively.

108. Since the development of Remittances Strategy by CBL in 2023, The Ministry of Foreign Affairs has facilitated several financial inclusion training workshops for Mineworkers, Textile workers, and Domestic workers in RSA. The aim was to train the senders about formal channels of sending remittances which are cheaper, safe and time-saving. Sasai Money Transfer Operator (Econet partner in RSA) and Lesotho National Insurance Group (LNIG) Hollard were the main partners and trainers of the targeted diaspora groups and they have expressed a lot of interest. Sasai charges 5% for every M100 cross-border transfer and the diaspora considers it as reasonable means available. This initiative also talks about GCM Objective 20.

109. Migrant workers in Lesotho transfer remittances to their countries of origin through both formal and informal channels. Formal channels include money transfer services by banks and non-bank financial institutions, such as foreign exchange bureaux or dedicated money transfer operators. In 2016, outbound transactions of remittances were \$1.01 million from international money transfer operators' transactions. However, only a small portion of the remittance is channelled through formal remittance services. The majority of remittances go through informal channels such as taxis, trucks and buses, through relatives, friends, trusted agents, acquaintances and personal carriage of cash or goods by migrants during visits back home and these are considered unsafe as well as inefficient.

110. Notably, Lesotho FinScope Consumer Survey Report 2021 shows that cross-border remittances have shifted from being predominately done informally through family or friend or public transport to more formal methods. There is an increase in the use of other formal non-bank channels for remittances from as low as 1 per cent in 2011 up to 56 per cent in 2021, drop-in use of informal channels (11 per cent in 2011 to 3 per cent in 2021) and family and friends (34 per cent in 2011 to 11 per cent in 2021). The report notes that there have been considerable shifts in the methods used to remit money over the past decade. Basotho used to remit via banks formally, but after adopting mobile money, more adults started using mobile money platforms as they are deemed more convenient to send and receive money from one another. About 84 per cent of adults used mobile money to send money whilst 54 per cent also received money through mobile money between 2011 and 2021.

Reply to paragraph 48

111. The Government of Lesotho has not yet conducted a specific research on migrant workers' children who are left behind. However, according to NISSA, there are approximately 101 813 children in child headed households, wherein children of migrant workers are included. Notwithstanding, the availability of this data, it is worth noting that it is not specific on migrant workers' children.

112. To promote and protect the rights of children and families of Basotho Migrant workers who are left behind, the Government of Lesotho introduced an initiative aimed at

safeguarding the community education, entrepreneurial training and community welfare programmes. This covered the needs of 264 vulnerable individuals (66 males and 168 females). It provided skills training opportunities and promoted social cohesion through community development activities in 5 districts and 5 community councils. As part of this initiative, 198 beneficiaries (82 males and 116 females) received support under the skills training component.

113. The Ministry of Social Development is mandated to cater for vulnerable children and these include children of migrant workers who are left behind. Some of them are placed in foster care with relatives and are assisted with cash grants and public assistance in kind. There are instances where irregular Basotho migrant workers abandon their children and such children are placed in care facilities. However, their institutionalisation becomes the last resort.

114. The Government of Lesotho embarked on an initiative supported by IOM. The initiative was meant to facilitate a return, resettlement, reintegration and reunification with children left behind of Basotho labour migrants who lost their jobs in sectors such as construction, mining, farming, and domestic work due to COVID-19 pandemic. These were Basotho migrant workers from South Africa.

Reply to paragraph 50

115. To ensure the protection of rights of migrant workers and reinforce the regulatory regime for private recruitment agencies, the Labour Code Order 1992 has been repealed and replaced by the Labour Act 2024. The new Act makes it an obligation for the employers or private employment agencies to pay a recruited person monies for the time during which he has been at the disposal of that employer or private employment agency. All the expenses of repatriation of workers are borne by the employers or private employment agencies. The Act also entitles the Director National Employment Services to cancel the licence of a private employment agency if the holder fails to pay restitution for victims of harm caused by employer's negligence.

116. The Labour Act 2024 section 65 (b) provides for inspection at the workplaces to ensure compliance with recruitment, monitoring and inspections to prevent private recruitment agencies from exploiting migrant workers and members of their families. Labour inspectors are authorised to enter, inspect and examine freely without prior notice; any land, building, private dwelling, installation, premise, camp, vehicle, structure, vessel, aircraft or place, which a worker or recruited person is employed, housed, transported or where there is a reason to believe that the worker or recruited person is employed, housed or transported.

117. To ensure that private recruitment agencies provide complete information to individuals seeking employment abroad and that such individuals are guaranteed the effective enjoyment of all agreed employment benefits, in particular salaries. Labour Act 2024 section 150 (3) provides that:

The Director National Employment Services may, by notice, in writing, and whenever he considers it practicable and necessary, require a private employment agency to issue to each recruited person, a document, in writing, containing particulars of the recruited person's:

- (a) Identity;
- (b) Prospective conditions of employment; and
- (c) Any other relevant particulars as the notice may require.

118. Under the repealed labour code order 1992, the inspectors were not sanctioned to inspect the private recruitment agencies. As a result there are no reported cases of illegal practices by recruiters. Under the new dispensation, Labour Act 2024 Section 65 (1) (a) mandates the labour inspector to ensure compliance of labour standards in the workplace. Section 67 (f) obliges the labour inspectors shall in the performance of their functions notify a competent authority of defects or abuses not provided for this Act or not falling under their

jurisdiction or mandate. Regard being had that this legislation has entered into force in April 2024, there are no reported cases.

Reply to paragraph 52

119. In order to systematically collect data disaggregated by gender, age and origin in order to effectively combat trafficking in human beings and exploitation of prostitution, the SADC TiP Network Data System has been developed. The challenge is that the system is not periodically updated due to financial and technical constraints.

120. Table 3 below shows administrative data available.

<i>Offence</i>	<i>Number of cases</i>	<i>Status</i>
Sex trafficking	9	Trial stage
Forced Labour	1	Pending investigation
	3	Trial stage
	1	Convicted but pending appeal
Sexual exploitation	1	Pending investigation
Total	15	

121. There are 2 detained accused, 9 accused persons are admitted to and 9 cases are withdrawn.

122. The Government of Lesotho through the support of IOM has carried out the campaigns below aimed at preventing trafficking in persons including migrant workers from labour and sexual exploitation in line with target 5.2 of the Sustainable Development Goals:

- Establishment of District Multi-sectoral Committees in four districts;
- Four joint inspections led by Anti-TiP Unit in collaboration with MoLE and Home Affairs;
- Established and strengthened 65 Community-Based Protection Committee (CBCP) in Maseru and Leribe among which 47 CBPCs have Action Plans on TiP prevention and VoT protection is in place;
- Sensitization campaigns on TiP to 21,955 out-of-school youth, school-going youth, church and traditional leaders in four districts (Butha Buthe, Thaba Tseka, and Mokhotlong), 80% of sensitized populations demonstrate their intended change of behavior;
- Sensitization of 10,311 labour migrants (around factories in Maseru, Leribe and Quthing) and 66 foreign migrants in Lesotho on the risk of TiP. 84.5% of sensitized labour migrants demonstrated their increased caution against foreign recruitment;
- 15 female VoT were physically, psychologically rehabilitated and reintegrated to the community of origin/family.

123. The LMPS Anti-Trafficking and Migrant Control Unit (ATMCU) has maintained five specialized anti-trafficking focal points. In collaboration with CGPU this units conduct anti-human trafficking campaigns. They have also cooperated with local NGO’s in their campaigns. ATMCU has been established and is directly allocated funds. However, the limited number of labour inspectors and lack of funding within MoLE still remains a challenge.

124. Furthermore, there is still need for the officers to be equipped with specialized training on victim identification, trauma-informed interviewing, and investigating trafficking crimes skills.

125. In 2021, training on anti-trafficking in persons for Lesotho embassies and consular personnel was conducted. This also extended to law enforcement agencies, labour inspectors, teachers, health care providers, social workers and immigration officers to investigate, prosecute and withdraw victims of forced labour and sex trafficking. Post these capacity building initiatives, the Government was able to conduct inspections identifying migrant workers being trafficked. In 2023, 191 Anti-Trafficking in Persons and Smuggling Joint Inspections were carried out in the following districts; Leribe, Botha-Bothe, Mofale's Hoek and Mafeteng. This is an improvement from 75 inspections that were carried out in 2022.

126. The Government of Lesotho through the MoLE has validated an Integrated National Action Plan on the Elimination of Child Labour II 2024-2029 to strengthen and coordinate all the national efforts geared towards elimination of child labour. The Government has also established within the Ministry of Police, the Anti-Trafficking and Migrant Control Unit to strengthen efforts for trafficking in persons and for prosecuting offenders. Prosecutors have been trained to deal specifically with trafficking in persons cases of child labour.

127. The Government of Lesotho has MoU with the Beautiful Dream Society (BDS). BDS provides shelter for females and children VoT. The State party does not have a shelter for male VoT. The main function of the shelter is to provide psychosocial support, rehabilitation and reintegration for VoT.

128. In an effort to intensify international, regional and bilateral cooperation, the Government of Lesotho is part of the SADC TiP Network Data System that has been developed. The challenge is that the system is not periodically updated.

Key challenges in the implementation of the Convention

129. The overarching problem is that the Convention does not have a parent Ministry and as such its implementation programs lie with the Ministry of Law and Justice as it houses the Department that coordinates all human rights instruments (regional and international). Prior to establishment of NMRIF, there were challenges with coordination of data collection and tracking of implementation of treaties recommendations and monitoring of progress. This continues even with the established NMRIF as members are not fully committed to its work. High level of turn-over of staff in line-ministries and change of government administration hampered coordination and compilation of state party reports. To address this, Principal Secretaries and directors were trained on the work and mandate of the NMRIF and in 2025/2026, the Ministry of Law and Justice which hosts the secretariat of the NMRIF is looking into appointment of members in a stronger form as well carrying out more trainings for both principal secretaries, directors and the members.

Covid 19 pandemic

130. The Government declared a national state of emergency in March 2020 which was followed by compulsory lockdown for all non-essential services. The pandemic had devastating impact on the country that is already battling with economic meltdown, poverty, vulnerabilities resulting in violence and crime. Lockdown measures affected food security as consumer price increase on food commodities made the situation worse. The performance of the textile industries was disrupted and jobs were lost. There was a nationwide school closure that affected learners resulting in school dropouts. These affected everyone in those sectors alike and that included migrant workers and their children, although there is no particular data on migrants who were affected.

131. In March 2020, the Ministry of Finance enforced capital budget cuts on 2020/2021 financial year on first quarter warrant release to Line Ministries towards Corona virus response. Line Ministries were further instructed to identify the impact and propose costed solutions to mitigate the impact of the Covid 19 pandemic. Over and above that, the United Nations in Lesotho also repurposed an estimated \$9 million from UNDAF to Covid 19 response.