



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

List of issues in relation to the second periodic report of Lesotho*

I. General information

1. In addition to the information provided in the State Party's report,¹ please provide detailed information to the Committee about the domestic legal framework regarding the Convention, including:

(a) Laws concerning the protection of migrant workers and members of their families, specifically indicating whether the Labour Act of 2024 applies to migrant workers in an irregular situation and the challenges faced and results obtained in its implementation;

(b) The measures taken by the State Party to bring its legislation, in particular the Aliens Control Act of 1966, into line with the Convention with regard to the detention and expulsion of migrant workers and members of their families in an irregular situation;

(c) The existence of bilateral and multilateral agreements concluded with other States members of the Southern African Development Community (SADC) and other countries, in particular with the main countries of origin of migrant workers (China, India, Pakistan, South Africa and Zimbabwe), concerning the rights that the Convention confers on migrant workers and members of their families, and their scope of application, specifying how these agreements protect migrant workers' rights in transit and destination countries, especially with respect to detention, repatriation, expulsion, family reunification procedures, due process and redress, are aimed at promoting regular migration and guarantee sound, equitable and humane conditions, including any steps taken to review and amend bilateral and multilateral agreements, such as the Lesotho Exemption Permits scheme with South Africa (para. 95).²

2. Please report on the State Party's intention to ratify additional regional agreements on migration and employment and on the outcomes achieved and challenges faced in the implementation of the Migration Policy Framework for Africa and Plan of Action (2018–2030), the SADC Protocol on Facilitation of Movement of Persons (2005), the SADC Labour Migration Policy Framework (2014), the SADC Protocol on Employment and Labour (2014), the SADC Employment and Labour Policy Framework (2020–2030) and the SADC Labour Migration Action Plan (2020–2025).

3. Please provide information on the countries of origin of irregular migrants in the State Party, in particular those from SADC member States.

* Adopted by the Committee at its forty-second session (28 May–12 June 2026).

¹ CMW/C/LSO/2, paras. 5–8.

² Unless otherwise indicated, paragraph numbers in parentheses refer to the second periodic report of the State Party (CMW/C/LSO/2).



4. Please indicate, in the light of the recommendation made by the Committee in its previous concluding observations,³ whether the State Party has made further progress to make the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States Parties and individuals and specify, if applicable, what constraints and difficulties have prevented it from doing so to date (para. 9).

5. With reference to the previous concluding observations⁴ and following the entry into force of the Tenth Amendment to the Constitution Act, please indicate:

(a) When the human rights commission will become operational;

(b) What measures the State Party has taken, including under the Tripartite Partnership to Support National Human Rights Institutions, to ensure that it fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) How its mandate extends to the promotion and protection of the rights of migrant workers and members of their families, including whether complaints mechanisms and other services are offered to them and whether it will have a mandate to conduct unannounced visits to facilities where migrant workers and members of their families are detained (paras. 39–44).

6. Please clarify the progress made towards ratification of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Domestic Workers Convention, 2011 (No. 189) (paras. 12 and 13). Please also indicate whether the State Party is considering ratifying the following instruments:

(a) The ILO Private Employment Agencies Convention, 1997 (No. 181);

(b) The ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129);

(c) The ILO Employment Policy Convention, 1964 (No. 122);

(d) The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102);

(e) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(f) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(g) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

(h) The Optional Protocol to the Convention on the Rights of Persons with Disabilities.

7. With reference to the previous concluding observations,⁵ please provide further information on the human, technical and financial resources allocated to the implementation of the strategies, policies, plans and programmes relating to the rights of migrant workers and members of their families mentioned in the State Party's report (paras. 14–33), as well as the Decent Work Country Programme (2018–2023), their outcomes and the challenges faced in their implementation (para. 26).

8. Please provide further information on the institutional framework for coordinating migration governance and the effective implementation of the Convention, such as the National Consultative Committee on Migration and Development, the National Labour Migration Committee, the District Multi-Sectoral Committee on Anti-Trafficking in Persons, the Anti-Trafficking and Migrant Control Unit of the Lesotho Mounted Police Service, and the National Mechanism for Reporting, Implementation and Follow-up, their respective

³ CMW/C/LSO/CO/1, para. 10.

⁴ Ibid., para. 20.

⁵ Ibid., para. 14.

mandates and membership, and the human, technical and financial resources allocated to them. Please include information on the monitoring and evaluation mechanisms and follow-up procedures for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention (paras. 34–36, 45, 122, 123 and 126).

9. Please elaborate, in the light of the recommendation made by the Committee in its previous concluding observations,⁶ on the progress made towards the strengthening of the migration data management system for the collection, sharing and analysis of comparable quantitative and qualitative migration-related data, disaggregated, where possible, covering all articles of the Convention, in the State Party and abroad, including on migrant workers in an irregular situation, in particular those working in sectors with the highest levels of informal employment such as agriculture, construction, domestic service, mining, transportation, vending, or waste management (recycling), as well as in hazardous work, and provide the Committee with relevant up-to-date data relating to all provisions of the Convention. Please include information on the number of migrant workers from Lesotho and members of their families abroad, including those in an irregular situation, and, as far as possible, on their situation as it relates to the provisions of the Convention, and on migrant workers whose status has been regularized in the State Party (para. 73). If no precise information is available, please provide information drawn from credible studies or estimates (paras. 37 and 38).

10. In the light of the previous concluding observations,⁷ and the information provided in the State Party's report, please provide the Committee with a copy of the 2021 guidelines of the Ministry of Labour and Employment on fair and ethical recruitment and further information regarding:

(a) The issuance, renewal and withdrawal of licences and monitoring of private employment agencies, including inspections and complaints mechanisms;

(b) The number, nature and outcome of complaints lodged against recruitment agencies, the number of labour inspections conducted by labour inspectors, and penalties imposed against those agencies in cases of non-compliance with the Labour Act of 2024;

(c) Whether migrant workers must pay any fees for work permit issuance, and what safeguards exist to prevent debt bondage and economic exploitation of migrant families resulting from recruitment fees and work permit costs;

(d) Bilateral cooperation with receiving countries to prevent the exploitation of migrant workers by unscrupulous recruiters and employers and the progress made towards the ratification of the ILO Private Employment Agencies Convention, 1997 (No. 181) (paras. 13, 47 and 115–118).

11. Please describe the measures taken by the State Party to counter corruption perpetrated by government officials with responsibilities relating to the implementation of the Convention, including border guards and other law enforcement officials, and the scope of the mandate of the district anti-corruption committees and whether they have received any complaints in relation to violations of the rights of migrants.

II. Information relating to the articles of the Convention

A. General principles

12. Please provide information on the number and nature of cases in which the provisions of the Convention have been invoked before a court since the submission of the State Party's report (para. 62) and on the options available to migrant workers seeking legal aid and assistance. Please describe the measures taken to ensure that migrants who are victims of rights violations under the Convention are informed of their right of access to justice and an

⁶ Ibid., para. 18.

⁷ Ibid., para. 50.

effective remedy in a language that they understand throughout proceedings (para. 63). Please also specify whether such measures extend beyond cases specifically linked to trafficking in persons or migrant smuggling.

B. Part II of the Convention

Article 7

13. In view of the fact that section 18 (4) of the Constitution allows for the enactment of discriminatory laws with respect to persons who are not citizens of Lesotho, and the admission by the State Party that labour rights are not equally enjoyed by migrant workers in an irregular situation (para. 54), please describe:

(a) The measures, including legislative measures, taken, in particular regarding the Constitution of Lesotho and the Labour Act of 2024, to ensure that all migrant workers and members of their families in the State Party or subject to its jurisdiction, whether or not they are in a regular situation, enjoy the rights provided for in the Convention without distinction of any kind and that all prohibited grounds of discrimination enumerated in the Convention (arts. 1 (1) and 7) are specifically covered (paras. 51–53);

(b) The steps taken to enact a comprehensive anti-discrimination legal framework to ensure equality and non-discrimination and protection of labour rights for all migrant workers and members of their families, both in law and in practice, the measures taken to review the State Party's legislation with a view to repealing any discriminatory provisions to which migrant workers and members of their families might be subjected, and the actual practice in combating discrimination against migrant workers and members of their families, in particular those in an irregular situation, including relevant examples, in the light of the previous concluding observations.⁸

14. Please indicate the measures taken to ensure non-discrimination and to mitigate the impact of the effects of climate change, including natural disasters, on the human rights of migrants, and to contribute to greater climate justice.

15. Please inform the Committee, with quantitative and qualitative information, pursuant to joint general recommendations No. 38 and No. 39 of the Committee on the Elimination of Racial Discrimination/general comments No. 7 and No. 8 of the Committee on Migrant Workers (2025), about:

(a) Any reported cases of racism, xenophobia, discrimination, ill-treatment or violence, including gender-based violence, to which migrant workers and members of their families have been subjected in the State Party since the submission of the State Party's report and in countries where nationals of Lesotho are employed;

(b) Normative, institutional and procedural measures, other than monthly radio programmes, to prevent, combat and remedy such practices with a view to ensuring the protection by the receiving State and the State Party of the rights of victims, including their right of access to justice (paras. 71 and 72).

C. Part III of the Convention

Articles 8–15

16. Please provide information on:

(a) The measures taken to bring national legislation into compliance with the ILO Forced and Compulsory Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105), both ratified by the State Party, and to ensure in practice that migrant workers, including those in an irregular situation, are protected from forced or compulsory labour under those Conventions;

⁸ Ibid., para. 24.

(b) The efforts made to ensure that all migrant workers, particularly migrant women employed as domestic workers, have access to effective mechanisms for filing complaints against persons who exploit them and violate their rights and that such workers are duly informed of the available procedures for ensuring that perpetrators are punished and that victims obtain redress;

(c) The number and type of complaints filed since the submission of the State Party's report, with data disaggregated by sex, age, nationality, field of activity and migratory status, including on the follow-up to and final outcome of the 110 cases of withholding of identity documents of migrant workers employed in the formal sector (paras. 65–70 and 120).

17. Please provide information on:

(a) Measures taken to protect migrant workers from Lesotho from exploitation, including wage theft, and servitude in the extractive industries, in particular in South Africa;

(b) The number of deaths and injuries recorded since the previous concluding observations in the mining sector, the repatriation of bodies of deceased migrant workers, and assistance and reparation offered to victims from Lesotho and their families;

(c) The impact of labour migration in the mining sector on children and families remaining in Lesotho, and whether psychosocial support is provided to them and social protection measures are in place (para. 112).

18. In the light of the previous concluding observations,⁹ please provide further information on:

(a) The reasons for the lack of research conducted into the situation of children who remain in Lesotho while one or both parents migrate for work abroad;

(b) Whether measures have been implemented, including through the adoption of a comprehensive child-sensitive migration strategy, to ensure that the rights of migrant children in the State Party are respected and that these children are protected against all forms of exploitation and have access to protection services without discrimination;

(c) The situation of children from Lesotho in other countries, and how the State Party ensures that their rights and best interests are respected in migration governance and that they are protected against all forms of exploitation;

(d) The existence of child-sensitive border and immigration procedures, and the efforts made to strengthen cross-border child protection cooperation mechanisms and to adopt a strategy for rehabilitating and reintegrating such children and reuniting them with their families (paras. 111–114).

Articles 16–22

19. Please provide updated information on:

(a) Migrant workers in detention, including administrative immigration detention, if any, in the State Party, and migrant workers who are nationals of the State Party who have been detained abroad in countries of employment or transit, specifying whether their detention is related to their migratory status;

(b) The measures taken to decriminalize irregular entry, stay and exit pursuant to the Aliens Control Act of 1966;

(c) The measures taken to ensure, in law and in practice, should there be immigration detention in the State Party, that immigration detention is used only as a measure of last resort and for the shortest time possible, the availability of alternatives to immigration detention, especially for children, families and other vulnerable groups, in line with the Committee's general comment No. 5 (2021), and that those detained are separated from criminal offenders, also in view of section 25 (8) of the Aliens Control Act of 1966 (paras. 73–76).

⁹ Ibid., para. 48.

20. In view of the indication by the State Party that immigrants are requested to submit their documents for regularization following their penalization for immigration-related offences under the Aliens Control Act of 1966 (para. 73), and reports of an intensified crackdown on migrant workers from Lesotho in an irregular situation abroad, and in the light of the previous concluding observations,¹⁰ please provide information, supported by statistical data disaggregated by sex, age, nationality, disability, migration status and field of occupation, on:

(a) The due process safeguards available to migrant workers and members of their families, particularly those in an irregular situation, during immigration-related proceedings, including expulsion proceedings, indicating whether legal assistance and interpretation are accessible;

(b) The measures taken to ensure that expulsion decisions are issued by a competent authority in accordance with a legal procedure established by law and in conformity with the Convention, that such decisions are subject to review with suspensive effect on appeal and that migrant workers and members of their families are informed about their rights in a language that they understand;

(c) Whether collective and arbitrary expulsions are explicitly prohibited under the State Party's law.

Article 23

21. Please provide information on:

(a) The geographical distribution of embassies and consulates of the State Party;

(b) The assistance provided and protection afforded to nationals of Lesotho working abroad or in transit, including those in an irregular situation, in particular in the event of ill-treatment, arrest, detention or expulsion and regarding access to legal, medical or psychosocial assistance, as well as regarding the repatriation of the human remains of deceased migrant workers or members of their families to the State Party, whenever necessary, supported by statistical data disaggregated by sex, age, disability, migration status and field of occupation;

(c) Mechanisms for responding to complaints or emergency situations, particularly in the absence of a diplomatic representation in the host State;

(d) Reintegration measures taken in the event of returns, including under the Diaspora Policy 2022, and cooperation frameworks with host country authorities and diaspora organizations, including the Basotho Diaspora Association (paras. 31, 32 and 80–83).

Articles 25–27

22. Please provide information on:

(a) The measures taken to ensure that all migrant workers living in the State Party, in particular those employed in the sectors with the highest levels of informal employment, are treated no less favourably than nationals with respect to remuneration, including payment of the national minimum wage, working hours, rest periods and holidays with pay, workplace safety, health, termination of contract and dispute resolution;

(b) The human, technical and financial resources available to labour inspectors for the monitoring of the working conditions of migrant workers, in both a regular and an irregular situation, the number of visits carried out in this context since the fiscal year 2022/23, the notifications sent to employers and the follow-up given to complaints received, and whether labour inspections include monitoring of child labour involving migrant children in Lesotho and children of migrant workers from Lesotho (paras. 85–87);

(c) Efforts to promote the rights of migrant workers from Lesotho abroad, including domestic workers under the Special Dispensation Project, migrant workers in the

¹⁰ Ibid., para. 30.

mining sector and seasonal workers in the agricultural sector in South Africa, in particular those who are in an irregular situation.

23. Please provide further information on whether the State Party's labour laws and regulations on conditions of work and employment benefits apply equally to migrant workers, including those in an irregular situation, and are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In particular, please provide information on:

(a) Measures taken to ensure that the principle of equal remuneration for work of equal value is upheld for migrant workers in view of the information provided by the State Party that it has not detected any case of non-compliance with the principle of equal pay for work of equal value during the period 2016–2024;

(b) Protections against unfair dismissal, access to unemployment benefits, and eligibility to participate in public employment schemes;

(c) Whether migrant workers are permitted to seek alternative employment in the event of job loss or early termination of contract (para. 84).

24. Please provide information on measures taken to guarantee, in practice, to all migrant workers the right to take part in trade union activities, to freely join trade unions and to seek the aid and assistance of any trade union, and whether section 205 of the Labour Act of 2024 also applies to migrant workers in an irregular situation.

25. In the light of the previous concluding observations,¹¹ please provide the text of the social security agreement between the State Party and South Africa and indicate:

(a) The measures taken to promote access to social security and social assistance and the registration of all migrant workers, whether in a regular or an irregular situation, with the social protection system on an equal basis with nationals of Lesotho;

(b) The expected time frame for the adoption of the National Social Security Bill, 2024, or any other relevant piece of legislation, to provide for the portability of social security benefits, and for the equal treatment of nationals of other States that have ratified the ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), with nationals of Lesotho with regard to work injury compensation, as required by article 1 of that Convention;

(c) The measures taken to ensure, through additional bilateral, regional and multilateral social security agreements, that all migrant workers and members of their families have adequate social protection in countries of destination, including to facilitate the transfer of social security contributions paid by nationals of Lesotho abroad (paras. 88–93), including of domestic workers in South Africa under the Special Dispensation Project.

Articles 28–31

26. Please provide further information on the measures taken to ensure, in law and in practice, adequate access for migrant workers and members of their families, including children, regardless of their migration status, to medical care, including emergency and maternal medical care and HIV/AIDS services such as those under the Sexual Reproductive Health Project 2021–2026, on health insurance provisions, and on the efforts to remove language barriers that migrants may face (paras. 59–61).

27. With reference to the previous concluding observations,¹² please provide information on:

(a) The expected timeline for the adoption of the Immigration and Citizenship Bill, 2024;

(b) Whether all undocumented migrant children from Lesotho who have been identified, including in South Africa, have been registered and issued with birth certificates

¹¹ Ibid., para. 36.

¹² Ibid., para. 38.

(paras. 94–99), and how it is ensured that all migrant children in Lesotho have access to birth registration;

(c) The measures taken to ensure that all migrant workers from Lesotho living or planning to live abroad are promptly issued with a passport so as to avoid losing their employment.

28. With reference to its previous concluding observations,¹³ and to the Inclusive Education Policy of 2018, please provide information on:

(a) The measures taken to ensure that children of migrant workers have, in practice, free and full access to primary education, and full access to preschool, secondary and university education, regardless of their migration status, clarifying the manner in which obstacles are overcome, in particular in cases of irregular status, financial hardship, fear of immigration enforcement, linguistic barriers in public schools, or obstacles resulting from child labour or child marriage;

(b) The existence of firewalls so that schools are not obliged to report the immigration status of children to the immigration authorities, to promote enrolment and retention;

(c) Qualitative and quantitative data, disaggregated by sex, age, nationality and migration status, where possible, on the levels of school enrolment and school dropout among children of migrant workers, particularly those in an irregular situation, in the State Party's education system (paras. 54–58 and 100).

Articles 32 and 33

29. In the light of the previous concluding observations,¹⁴ please provide the Committee with a copy of the State Party's 2023 remittance strategy and further information on:

(a) The steps taken to facilitate the transfer of earnings and savings by migrant workers living in the State Party, including by introducing discounted transfer and receipt fees;

(b) Any bilateral or regional agreements in place to facilitate or reduce the cost of remittance transfers for both migrant workers from Lesotho living abroad and migrant workers in the State Party, including through the SADC Committee of Central Bank Governors;

(c) Recent available data on remittance flows in and out of the State Party (paras. 15, 32 and 104–110).

D. Part IV of the Convention

Articles 36–56

30. In the light of its previous concluding observations,¹⁵ please provide information on any plans to effectively review the legal and administrative framework facilitating the exercise of voting rights, namely, the right to vote in elections and be elected to public office, and the right to participate in public affairs by migrant workers from Lesotho and members of their families abroad, including access to voter registration, voting mechanisms, public awareness efforts and, in view of the Eighth Amendment to the Constitution Act, of 2018, which amended article 41 of the Constitution to allow for dual citizenship, any legal or practical implications of dual citizenship on these rights (paras. 101 and 102).

31. With reference to its previous concluding observations,¹⁶ and in view of the Immigration and Citizenship Bill, 2024, please provide further information on measures taken or envisaged to uphold the unity of the families of migrant workers and to facilitate

¹³ Ibid., para. 40.

¹⁴ Ibid., para. 46.

¹⁵ Ibid., para. 42.

¹⁶ Ibid., para. 44.

family reunification, including with their spouses, partners with whom they are in a relationship that produces legal effects similar to marriage according to domestic legislation, and dependent unmarried children in compliance with the principle of the best interests of the child, including data about family members who have been reunited with migrant workers in the State Party (para. 103).

E. Part VI of the Convention

Articles 64–71

32. In the light of its previous concluding observations,¹⁷ please indicate the outcomes achieved and challenges faced in the implementation of the Anti-Trafficking in Persons (Amendment) Act of 2021, including with respect to ending the practice of trafficking in persons for the purposes of domestic servitude, forced labour and sexual exploitation, as well as the smuggling of migrants, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, also supplementing that Convention. In particular, please also provide the Committee with a copy of the National Strategic Framework and Action Plan to Combat Trafficking in Persons, 2021–2026, and information on:

(a) Bilateral, regional and multilateral cooperation with countries of origin, transit and destination to effectively prevent, combat and sanction trafficking in persons and smuggling of migrants, in particular women and children;

(b) Efforts made to effectively and impartially investigate, prosecute and punish all acts of trafficking in persons and the number of judgments issued in connection with this crime, including information on the number of convictions, type of sentences and redress provided to the victims, and the reasons why criminal cases have been withdrawn;

(c) The programmes aimed at preventing trafficking in persons, effectively protecting victims of trafficking and ensuring that they have access to justice and judicial remedies;

(d) The human, technical and financial resources allocated to the detection and elimination of cases of trafficking in persons and smuggling of migrants and the protection of victims, including under the Victims of Trafficking Trust Fund and for the support of the shelters of the Beautiful Dream Society;

(e) Further steps taken to improve the collection of data on victims, disaggregated by sex, age and origin, to prevent trafficking in persons and migrant smuggling, in particular with respect to the SADC Trafficking in Persons Network Data System;

(f) The avenues whereby victims of migrant smuggling and trafficking in persons may obtain a temporary or permanent residence permit (paras. 119–128).

¹⁷ Ibid., para. 52.