

Migration profile

LESOTHO

A. Executive Summary

Lesotho is a constitutional monarchy with a democratic parliamentary government. The monarch performs only a representative role, while the legislative role is delegated to the Prime Minister and the parliamentary government. Lesotho is enclosed by South Africa. In the late 19th century, due to the Dutch invasion in neighbouring South Africa, the then King entered into an agreement with the UK by which Basutoland became a British protectorate, and later a crown colony. When the country gained its independence in 1966, it was renamed the Kingdom of Lesotho. The country has a low life expectancy, high infant mortality, higher death rates, and low population growth all due to the deadly Acquired Immune Deficiency Syndrome (AIDS). The mortality rate is 11.41 deaths per 1000 people, and the population growth in 2021 was only 0.73%. The unemployment rate for youth aged 15-24 in 2019 was 35.5% in total. Lesotho produces less than 20% of the country's food demand, as a consequence of severe droughts as well as because of the increase of food prices.

In 2020, Lesotho's nominal gross domestic product (GDP) per capita was US \$861. The remittance, as a percentage of the GDP, was 21% for 2020, making Lesotho one of the highest remittance-receiving countries.

Lesotho is considered a transit, destination, and source country for migrants. Most Basotho migrants move to South Africa, due to its proximity to their country. The Lesotho Government is the largest employer, and 86% of its employed citizens work in agriculture. In 2011, Lesotho enacted an Anti-Trafficking in Persons Act, focusing in combating the growing cases of human trafficking. International and Catholic organisations, such as the United Nations, Catholic Relief Services (CRS), and the Catholic Commission for Justice and Peace (CCJP), are actively involved in Lesotho and work, among other things, to improve the migrants' quality of life in the country.

B. Country Profile

I. Basic Information

Lesotho is located in Southern Africa and is surrounded by South Africa. Its total surface area is 30,355 sq. km and its territory consists mostly of highland with plateaus, hills, and mountains. As of July 2021, its population was 2,177,740, we mainly located in the western half

area of the country. Lesotho's natural resources are mostly agricultural and grazing lands, water, diamonds, sand, clay and building stones. Vi 76.1% of the land is used for agricultural purposes, 1.5% for forest, and 22.4% for other use. The country's ethnic makeup consists of 99.7% Sothos, with the remaining 0.3% people that include Europeans, Asians, and other nationalities. Vii 47.8% of the population are Protestant, 39.3% Roman Catholic, 9.1% belonging to other Christian denominations, 1.4% are non-Christian, and 2.3% have no affiliation to any religion. Viii The official languages are English and southern Sotho.

II. International and Internal Migrants

43% of the households in Lesotho have at least one of its members living away from home. In the 1980s, before South Africa became a democratic state and required a shift to a more capital-intensive production approach, 40% of Lesotho's male labour force was employed in the South African mining sector. The establishment of democracy in South Africa and the desire of the South African government to employ more locals led to a decrease of the Basotho miners' presence in the country. This issue brought the Basotho households to develop new livelihood strategies that still continued to involve migration. Due to lack of local economic and employment opportunities, Basotho women were also forced to migrate to urban Lesotho (Maseru), to look for employment opportunities in the export garment factories. The textile sector is predominantly occupied by women (90%), making them the main income providers for their household.^x

57% of Lesotho's population is living below the poverty line.xi The Human Development Index (HDI) in 2019 was 0.527, placing the country in the 165th place out of 189 nations, indicating that human development in Lesotho is very low. In 2020, its annual GDP was \$1,875M and the debt-to-GDP ratio was 50.38%.xii In 2021, the urban population made up 29.5% of the total population, and it is estimated that there will be a 2.77% annual urbanisation rate change for the years 2020-2025. As a matter of fact, Basothos from the more rural areas keep migrating to the capital city of Maseru or to other neighbouring cities looking for job opportunities.xiii

The international migrant stock, at mid-year 2020, was recorded to be 12,060, of whom 6,537 males and 5,523 females (0.6% of the population).xiv This was a big increase from the previous year, when the migrant stock stood at 6,928. In 2019, the top five countries of origin were South Africa (2,751), Pakistan (240), India (240), Uganda (144), and China (127).xv

III. Emigration and Skilled Migration

On a scale of 0-10 with regards to brain drain in Southern Africa, in 2021 Lesotho obtained 7.5 index points, which is above the world average of 5.25 based on 173 countries.xvi The total emigration stock for Lesotho was last recorded in 2019 and stood at 16.07%, with a total of 341,580 Basotho emigrants. The main reason for emigration was employment opportunities, and the top 5 countries of destination were South Africa (331,312), Mozambique (7,869), the United Kingdom (789), Botswana (279), and Swaziland (220).xvii

Before allowing a foreign migrant to receive a work permit in Lesotho, the National Employment Services needs to verify that no Basotho citizen is qualified for the job. Permanent positions in the public sector are reserved to Basotho nationals only.xviii Intraregional labour migration is also well established in Southern Africa. Basothos would leave their country and settle in either South Africa or Botswana, because of the demand for semi-skilled labourers.

Most families in Lesotho are dependent on remittance.xix In 2020, remittance was 21% of its gross domestic product (GDP), which meant that Lesotho was one of the top five remittance-receiving countries of the year.xx Of the more than 2 million Basotho professionals, 14% of them (around 135,000 people) that include teachers, lawyers, accountants, and engineers, keep migrating and take up citizenship of other countries, because of low salaries and poor working conditions in Lesotho.xxi

IV. Forced Migrants (internally displaced, asylum seekers, refugees and climate displaced people)

The last available displacement data for Lesotho was recorded in 2018. At the time, a total of 1,400 internally displaced persons (IDPs) were mentioned as being displaced due to natural disasters.xxii These included flash floods, hailstorms, and heavy rains recorded in March 2018.xxiii In 2019, the UNHCR data reported that there were 106 refugees and asylum seekers in Lesotho. Approximately 80% of the 106 were from the Democratic Republic of the Congo (DRC), and the remaining 20% were refugees from Ethiopia, Eritrea, and Uganda.xxiv In 2020, the number of forced migrants in Lesotho increased to 281. In that same year, 168 asylum applications were processed by the local government and had a 100% success rate, with most applications being lodged by DRC migrants.xxv Close to 40% of refugees are asylum seekers and children, who are able to enjoy the right and access to basic health care and education. Unemployed refugees receive a government grant of M400 per month (approximately US \$28), and the Lesotho government has also initiated to provide housing, water, and electricity to refugees at no cost to them. Once a work permit has been obtained, they are able to seek employment.xxvi However, there are challenges when it comes to education and the provision of travel documentation, as refugees have often complained, lamenting the fact that they are experiencing discrimination when they are trying to access these services.

Due to the COVID-19 related border closures, most Basotho migrants were forced to return to Lesotho.xxvii A study conducted in July 2020 found that most returnees (81.4%) came back to Lesotho only because of the pandemic and the lockdown restrictions put in place. Many returnees from South Africa lost their jobs as a result of thisxxviii and their main concerns were the lack of food in Lesotho, their loss of employment and survival income. IOM reported that 24,000 Basotho migrants during the pandemic received very low wages, obtained from casual labour.xxix Food insecurity and poverty were among the main issues faced by vulnerable youth and adult migration, usually without valid documentation xxx.

V. Victims of Human Trafficking

Even though the Lesotho government did not meet the minimum standard required to eliminate trafficking in 2021, nevertheless it was making significant strides. Due to important achievements reached by the government in 2021, Lesotho was promoted to the Tier 2 Watch list; however, it was then downgraded to Tier 3 in 2022.xxxi

Lesotho is a source, transit, and destination country for victims of human trafficking, especially women and children being subjected to forced labour or sex trafficking, and men being forced to hard labour. Basotho women were reported to have willingly migrated to South Africa in search of domestic-related employment, only to be later forced into sex trafficking.xxxii Victims of trafficking received no protective services from the government, as they had failed to fund both the Victims of Trafficking Trust Fund and the Child and Gender Protection Unit, and front-line responders were often ill-equipped to deal with trafficking crimes.xxxiii Victims of human trafficking were referred to NGOs, that provided different services, like shelter, medical care, counseling, job skills training, and legal assistance. The Lesotho government would then cover the cost of the shelter's utilities.xxxiv The national government recently passed a 2021-2026 anti-trafficking action plan to combat human trafficking within Lesotho.xxxv The government initiated 4 trafficking investigations, pursued 3 from previous reporting periods, persecuted 4 cases and convicted 1 trafficker.xxxvi

It has been reported that human traffickers exploited domestic as well as foreign victims in Lesotho.xxxvii Due to the COVID-19 related border closures, many Basothos illegally crossed the border into South Africa looking for employment. A high percentage of these migrants were female, and due to their lack of legal status, they were more vulnerable to being exploited and/or trafficked. Most traffickers would also use social media platforms to advertise employment opportunities in South Africa, only to trap the victims in forced labour or sex trafficking.xxxviii Most victims were either from one of the rural communities in Lesotho or were found to be part of the large orphan population, which often included children.xxxix Basotho men who migrated to South Africa voluntarily, were also found to have been exploited by traffickers. They would often enter South Africa voluntarily but irregularly, without any valid documentation, and would work in either agriculture or the mining industry. Often these men would work for weeks or months, only to be handed over to the South African immigration authorities for deportation by their employers, who were trying to avoid compensating them for their work.xl Basotho victims of trafficking were also forced into engaging in criminal activities such as theft, drug trafficking, and smuggling. This would usually be enforced by the trafficker under either the threat of violence towards the migrants or forced drug use.xli Children in Lesotho engaged in the worst form of child labour which included commercial sexual exploitation.xlii

VI. National Legal Framework

Legislation that governs migrants includes the 1966 Aliens Control Act 1966, which refers to the entry, stay and departure from Lesotho.xliii This Act also facilitates the issuing of visas, permits, as well as permanent residency. The 1971 Lesotho Citizenship Order allows naturalisation as well as stateless persons to register as a Lesotho citizen.xliv The 2018 Immigration and Citizenship Bill provides a comprehensive immigration policy for

Lesotho.xlv Migrant workers in Lesotho receive the same legal protection, wages, and working conditions as citizens.xlvi The 1992 Labour Code Order No. 24 governs labour emigration matters and focuses specifically on social protection.xlvii The 2011 Anti-Trafficking in Persons Act makes provision for the prevention of trafficking, the persecution of traffickers, as well as penalties and preventative measures.xlviii The 1983 Refugee Act regulates matters regarding asylum seekers and refugees.

International human rights treaties signed and ratified by Lesotho concerning migrants include the 1951 Convention Relating to the Status of Refugees, the 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the 2000 Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime. Lesotho also ratified the 1975 ILO Convention 143 on Migrant Workers, as well as the 1985 UN Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live.

Regional conventions signed and ratified by Lesotho are the 1981 African Charter on Human and Peoples' Rights, the 2005 SADC Protocol on Facilitation of Free Movement, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) (Art. 6(g) and 6(h)). Lesotho has also ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the 1989 Convention on the Rights of the Child.

VII. Main Actors

The State

The Ministry of Home Affairs handles all migration issues in Lesotho. It oversees border control, as well as the acquisition of citizenship, the issuing of visas including asylum and residency permits. It deals with forced migration as well as internal displacement. The ministry also handles the movement of people and their residence in Lesotho. Itii

The National Police set up a Trafficking in Persons and Migrants Unit within the Lesotho Mounted Police Service (LMPS) to specifically oversee human trafficking cases. It is National Migration and Development Policy is designed to effectively control migration for the development of opportunities and challenges faced by migrants. It

Lesotho has relied largely on bi-lateral policy agreements with South Africa by strengthening its labour migration management. One such bilateral agreement is the Memorandum of Understanding (MoU) which focuses on cooperation regarding labour and access to social security benefits by Lesotho migrants. There is also an agreement in place that facilitates the cross-border movement of citizens. Ivii The National Consultative Committee on Migration (NCC) consists of various ministries, migrant support organisations, the private sector, and NGOs. The purpose of the committee is to deal with a range of migration-related matters, such as the development of a Strategic Plan in line with the National Strategic Development Plan (NSDP), Phase II. Iviii Lesotho is an active participant in the Migration Dialogue for

Southern Africa (MIDSA), which is an intergovernmental forum for policy making talks on migration within SADC. lix The institution responsible for refugee status determination (RSD) in Lesotho is the Inter-Ministerial Refugee Status Determination Committee. lx

International Organisations

The International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) are the main international organisations working in the area of migration in Lesotho. In 2020, IOM supported the government, by ensuring migrant workers' rights were upheld by their employers as well as host governments through the regularisation of labour movements. IOM also pledged to support the creation of a Basotho diaspora association which will provide emigration support. IOM assisted the government in promoting reintegration and the return of stranded migrants and forced migrants. They also supported the administration of the migration profile in Lesotho. Ixi

UNHCR assists the Lesotho government in documenting their refugees and asylum seekers. For example, in 2018, UNHCR set up a Population Registration and Identity Management Ecosystem (PRIMES), providing refugees and other displaced people with a digital identity that makes easier for them to access digital services lxii. Other migration-related United Nations agencies in Lesotho include Food and Agriculture Organisation (FAO), World Food Program (WFP), Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations Children's Fund (UNICEF), and World Health Organisation (WHO). FAO and WFP aim to achieve food security through regular access to high-quality food. Ixiii UNAIDS works towards universal access to HIV prevention, treatment, care, and support. Lxiv UNDP promotes the reduction of poverty and the protection of the planet. They do this through the development of strong policies, skills, and partnerships. UNFPA focuses on sexual and reproductive health, and UNICEF works towards the protection of children's rights and lives, including access to education, sanitation, water, nutrition, health, and protection services. WHO helps coordinate the world's response to health emergencies. 1xv The mandate of all UN entities is to provide international protection to refugees and provide durable solutions to the problems they face as people on the move.

NGOs and Other Organisation

The Migrant Workers Association of Lesotho aims at preventing corruption by going into communities and providing information and training sessions. They also engage in policy advocacy, monitoring public services and denouncing corruption in migration matters. lxvi

The Catholic Church

Caritas Lesotho serves as the official Social Welfare and Development arm of the Catholic Church. Ixviii They work with the vulnerable communities and assist them in preventing the negative effects of socio-economic and climate-induced shocks. Caritas works towards strengthening migrant livelihoods and resilience by providing training on food production, nutrition education, as well as improving access to safe water in cases of drought. Caritas also

offers vocational training to orphans and vulnerable children, and raises awareness of the educational institutions available in Lesotho. Lesotho.

The Catholic Relief Services (CRS) is another Christian presence in Lesotho. The organisation coordinates programs in 3 out of the 4 Lesotho's dioceses, bringing public and private sectors together for community-based development. They interact with the Lesotho government, local NGOs, international NGOs, public and private-sector partners, and fellow Church partners. Their work in Lesotho focuses on agriculture, food security and livelihoods, climate change and natural resources management, emergency response and recovery, education, microfinance, HIV and tuberculosis, as well as information and communications technology for development. Ixix

The Catholic Commission for Justice and Peace, Lesotho (CCJP) focuses on a community-based peacebuilding practice, for example, through education and sensitisation programmes, that leads to social cohesion in the whole country.^{lxx}

February 2022

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D. Endnotes

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