

LESOTHO (2017)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	YES.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: the Association of Lesotho Employers and Business (ALEB), and the Progressive Association of Lesotho Teachers (PALT) have been consulted in the reporting process. In addition, workers' and employers' organisations are always consulted in every initiative that ILO promotes.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Lesotho has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017 AR: The Government indicated that it is still in the process of domesticating Convention No. 29 and it would be cumbersome to adopt the Protocol (P.29)
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2017 AR: According to the Government: There is a national policy and plan of action (the Anti-trafficking Act 2011 and the Plan of Action 2015) for the suppression of all forms of forced labour as well as for combatting trafficking in persons for purposes of forced labour. However, there is no access to remedies for victims because the Anti-trafficking Act requires that there has to be a functional trust fund, which presently has not yet been set up.	
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent all forms of forced labour	2017 AR: According to the Government, the measures taken or envisaged include: a) the enforcement of the Anti-trafficking Act 2011; b) provision of information, education/vocational training and awareness raising targeting especially people in vulnerable situation and employers; c) strengthening and broadening of the coverage of legislation, particularly labour law; d) regulation and supervision of the labour recruitment and placement process; e) supporting due diligence by the public and private sectors; and f) promotion of safe and regular migration.	
	Measures taken or envisaged to protect victims of forced labour	2017 AR: The Government reported that the following measures have been taken or envisaged: a) training of relevant actors for identification of forced labour practices; b) legal protection of victims; c) material assistance for victims; d) medical and psychological assistance for victims; e) measures for the rehabilitation and social and professional reintegration of victims; f) protection of privacy and identity; g) appropriate accommodation; h) specific measures for children; and i) specific measures for migrants.	

	Measures taken or envisaged to facilitate access to remedies	2017 AR: According to the Government: The law provides for the establishment of a trust fund which will provide remedies for victims of forced labour but such fund is not yet established. The law provides for assistance in repatriation of victim from Lesotho and to Lesotho, and extends assistance to foreign victims. The measures taken or envisaged include: a) information and counselling for victims regarding their rights; b) free legal assistance; c) cost-free proceedings; d) development of forced labour indicators; e) access to remedies and compensation; f) capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; g) provision for authorities not to prosecute victims for acts which they have been compelled to commit; h) provision of penalties such as the confiscation of assets and criminal liability of legal persons.	
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs	2017 AR: The Government reported that there is bilateral agreement with South Africa to protect Basotho migrant workers. Lesotho is also a member of the ILO and IOM and therefore has to align with the standards set by both organisations. It also cooperates with UNICEF, The Employment Bureau for Africa. (TEBA), and workers' and employers' organisations.	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	2017 AR: The Government indicated that it has encountered the following challenges: a) lack of awareness; b) Lack of information and data; c) social values, cultural traditions; d) social and economic circumstances; e) political situation; f) shortcomings in the legislative framework; g) lack of resources in the institutional framework; h) challenges linked to the labour recruitment and placement process; i) challenges linked to migration policies; j) lack of social dialogue on the principle; k) lack of resources in employers' organizations; and l) lack of resources in workers' organizations.	
TECHNICAL COOPERATION NEEDS	Request	2017 AR: The Government indicated the need for technical cooperation with the ILO in the following areas: a) assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) awareness-raising and mobilization activities; c) collection and analysis of data and information; d) guidance on the development of the national policy and plan of action; e) strengthening the legal framework; f) capacity building for the competent authorities; g) inter-institutional coordination; h) promotion of fair recruitment and placement practices; i) promotion of fair migration policies; j) vocational training, job-creation and income-generation programmes for at-risk populations; k) basic social security guarantees; l) guidance on supporting due diligence; m) capacity building for employers' and workers' organizations; n) promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and o) exchange of experiences between countries or regions; international cooperation.	
	Offer	NIL.	