

Lesotho Immigration Detention Data Profile



Quick Facts

Immigration detainees (2019)	Not Available
Detained minors (2017)	Not Available
Immigration detention capacity (2019)	0
International migrants (2019)	6,928
New asylum applications (2019)	121
Number of immigration detainees on a given day (2019)	Not Available

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/africa/lesotho>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Number of immigration detainees on a given day	Not Available	2019
Total number of detained minors	Not Available	2017	Estimated capacity of dedicated long-term immigration detention centres	Not Available	2019
Criminal prison population	2,073	2014	Percentage of foreign prisoners	0.9	2009
	2,498	2010			
	2,852	2007			
	3,173	2004			
	2,699	2001			
	2,232	1998			
	2,062	1995			
	2,260	1992			
Prison population rate (per 100,000 of national population)	92	2014			
	115	2010			
	135	2007			
	154	2004			
	135	2001			
	116	1998			
	114	1995			
	132	1992			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	2,100,000	2020	International migrants	6,928	2019
	2,135,000	2015		6,600	2015
International migrants as a percentage of the population	0.3	2015	Refugees	143	2019
				57	2018
				56	2017
				36	2016
				31	2015
				44	2014
Ratio of refugees per 1000 inhabitants	0.02	2016	Total number of new asylum applications	121	2019
	0.02	2014		9	2016
				5	2014

Refugee recognition rate	100	2014	

DOMESTIC LAW

LEGAL TRADITION

Legal tradition	Name	Observation Date
	Common law	
	Customary law	

LAWS AND REGULATIONS

Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	No	(1) Every person shall be entitled to personal liberty, that is to say, he shall not be arrested or detained save as may be authorised by law in any of the following cases, that is to say - (i) for the purpose of preventing the unlawful entry of that person into Lesotho, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Lesotho or for the purpose of restricting that person while he is being conveyed through Lesotho in the course of his extradition or removal as a convicted prisoner from one country to another.	1993	1993

LAWS AND REGULATIONS

Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Aliens Control Act num. 16 of 1966	1966	
	Lesotho Refugee Act	1983	

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Immigration-status-related grounds	Name	Observation Date
	Detention for unauthorised entry or stay	2015
	Detention to effect removal	2015

LENGTH OF DETENTION

Maximum length of time in custody prior to issuance of a detention order	Number of Days	Observation Date
	14	2015

PROCEDURAL STANDARDS

Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to legal counsel	Yes		2015
	Access to consular assistance	Yes		2015

VULNERABLE PERSONS

Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Women	Not mentioned	Yes	2015
	Accompanied minors	Not mentioned	Yes	2015

COVID-19 UPDATES

	Update Status	Observation Date
Latest Update	In June, a report from the UN Development Program estimated that approximately 93,000 people had returned to Lesotho as a result of COVID-19. The implementation of strict measures in neighbouring South Africa, which impacted the livelihood of migrant workers, helped spur this influx. Since October, migrant workers holding a permit are allowed to travel outside the country, and several restrictions were lifted. The prime minister had urged prison officials to “minimise congestion” in March. However, in September, the conditions in Maseru prison were denounced by two former prisoners. They described the overcrowding and the lack of sanitary measures. The GDP was unable to confirm if any measures had been taken for asylum-seekers during the pandemic.	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification

	Name	Ratification Year
International treaties	ICCPR, International Covenant on Civil and Political Rights	1992
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1995
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2001
	CRC, Convention on the Rights of the Child	1992
	ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2005
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	CRSR, Geneva Convention Relating to the Status of Refugees	1981
	CRSSP, Convention Relating to the Status of Stateless Persons	1974
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2003
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2004
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2013
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1992
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1971
	VCCR, Vienna Convention on Consular Relations	1972
Ratio of relevant international treaties ratified	15/19	

Relevant international treaties and date of ratification

International treaty reservations	Name	Reservation Year	Observation Date
	CEDAW Article 2	1995	2017

Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	2000

Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number		Observation Date
	0/9		2017
Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Committee on Migrant Workers	"§30. recalls that administrative detention should be used only as a last resort, and recommends that the state party consider alternatives to administrative detention. it recommends that the state party: (a) include in its second periodic report detailed disaggregated information on the number of migrant workers detained for immigration offences and the place, average duration and conditions of their detention; (b) ensure that migrant workers detained for violations of immigration law are not detained with persons accused or convicted of a crime; (c) ensure that the minimum guarantees enshrined in the convention are assured with regard to criminal or administrative procedures against migrant workers and members of their families."	2016
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	ACHPR, African Charter on Human and Peoples Rights		1992
	ACRWC, African Charter on the Rights and Welfare of the Child		1999
	APRW, Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol)		2004
Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2010	2017
	No	2015	2017

INSTITUTIONAL INDICATORS

More information about immigration detention in Lesotho is available at the website of the Global Detention Project (www.globaldetentionproject.org)