

In 2014, Lesotho made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed the National Action Plan for the Elimination of Child Labor (APEC). In addition, the Ministry of Labor and Employment disseminated new guidelines on the protection of herd boys and the protection of children under age 18 from hazardous work. The Government fully funded the Lesotho Child Grant Program and the Orphans and Vulnerable Children Scholarship Program, allocating \$3.6 million and \$2.9 million, respectively, to their 2013 and 2014 budgets. The Government also finalized and publicly launched the National Anti-Trafficking in Persons Strategic Framework and Action Plan. In addition, the government launched the Southern African Development Community (SADC) data collection software. However, children in Lesotho continue to engage in child labor, including in domestic service and in the worst forms of child labor, including in cattle herding. Lesotho law does not prohibit the use of children in illicit activities, and a gap between the compulsory education age and the minimum age for employment that leaves children vulnerable to the worst forms of child labor. A lack of government resources for enforcement and social programs also remains a major challenge to combat child labor in Lesotho.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Lesotho are engaged in child labor, including in domestic work. Children are also engaged in the worst forms of child labor, including in cattle herding and commercial sexual exploitation, sometimes as a result of human trafficking.(1-3) Table 1 provides key indicators on children's work and education in Lesotho.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	28.1 (124,632)
Attending School (%)	5-14 yrs.	80.7
Combining Work and School (%)	7-14 yrs.	25.3
Primary Completion Rate (%)		72.5

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 2, 2000.(5)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Herding animals, including cattle† (1, 6-9)
	Farming,* including planting,* applying pesticides,* and harvesting* (2, 10, 11)
Services	Domestic work* (1, 8, 9, 12)
	Street work,* including vending* (8)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation,* sometimes as a result of human trafficking* (3, 6, 8)
	Used in illicit activities,* including burglary* and theft* (8)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

Lesotho




MODERATE ADVANCEMENT

Lesotho's HIV/AIDS rate of 23.3 percent, the third-highest rate in the world contributes to the situation of approximately 364,000, or 34 percent of children in Lesotho, child orphans.(10, 13, 14, 15) Children, mostly HIV/AIDS orphans driven by poverty, migrate to urban areas to engage in commercial sexual exploitation for survival.(3, 10, 16)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Lesotho has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 124(1) of the Labor Code (1992) (17); Article 228(1) of the Children's Protection and Welfare Act (18)
Minimum Age for Hazardous Work	Yes	18	Article 125(1) of the Labor Code (17); Article 230(1) of the Children's Protection and Welfare Act (18)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 230(3) and 231 of the Children's Protection and Welfare Act (18)
Prohibition of Forced Labor	Yes		Article 9(2) of the Constitution (19); Article 7(1) of the Labor Code (20)
Prohibition of Child Trafficking	Yes		Article 5 of the Anti-Trafficking in Persons Act (21)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 77 of the Children's Protection and Welfare Act (18); Articles 10–14 of the Sexual Offenses Act (22)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	No		
Compulsory Education Age	Yes	13	Article 3 of the Education Act (11, 25)
Free Public Education	Yes		Article 3 of the Education Act (11, 25); Section 22(k) of the Children's Protection and Welfare Act (18)

* No conscription (23)

Lesotho does not have a law that prohibits children from engaging in illicit activities. Moreover, the ILO Committee of Experts noted the Government's pending adoption of a revised Labor Code since 2006 and urged the Government to implement measures to prohibit the use and procuring of children under 18 for illicit activities.(27) In addition, although there are maximum penalties for violations of the Children's Protection and Welfare Act (CPWA), it does not set minimum penalties for employing underage children in night work, industrial undertakings, or hazardous work for first-time offenders.(18)

Although the Government of Lesotho does not have a law that specifies the minimum age for voluntary service, the Lesotho Defense Force has a policy prohibiting the recruitment of children under age 18.(28, 29) Education is compulsory in Lesotho through the age of 13, but the minimum age for work is set at 15. This standard makes children at age 14 particularly vulnerable to the worst forms of child labor, as they are not required to be in school but are not legally permitted to work.(4, 10, 17, 30) Moreover, the ILO Committee of Experts urged the Government to collaborate with the Ministry of Education and Training to ensure that compulsory education is up to the minimum age of employment.(31)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Employment (MOLE)	Enforce child labor laws, including hazardous child labor, and as a part of general labor inspections assess compliance with child labor laws.(1)
National Police, Child and Gender Protection Unit (CGPU)	Investigate child labor violations, and works in conjunction with MOLE to enforce child labor laws, including those related to hazardous and forced child labor, commercial sexual exploitation, and child trafficking.(1)
Public Prosecutor's Office	Prosecute child labor law offenders.(1)
Children's Court	Enforce criminal laws related to the worst forms of child labor.(1)

Labor law enforcement agencies in Lesotho took actions to combat child labor, including its worst forms. However, research found no evidence that criminal law enforcement agencies took such actions.

Labor Law Enforcement

In 2014, the Ministry of Labor and Employment (MOLE) employed 38 labor inspectors who investigate labor issues, including child labor violations. Funding for inspections was inadequate, and inspectors lacked adequate resources and needed vehicles and telephones to conduct labor investigations to combat and address child labor violations.(9) As of August 2014, inspectors carried out 1,330 labor inspections, an increase from 1,000 inspections in 2013.(9, 32) Inspections were mostly unannounced.(9, 32) The Ministry of Labor and Employment did not report child labor violations or issue citations during the year.(9)

Research found no information on referral mechanisms to receive complaints of violations of child labor laws. The Labor inspectorate does not have the authority to issue penalties for Labor Code violations.(9, 17)

Criminal Law Enforcement

In 2014, there was no Lesotho Mounted Police Service (LMPS) funding dedicated specifically to the enforcement of child labor laws.(9) The LMPS is responsible for the enforcement of criminal laws pertaining to child labor.(32) According to the Child and Gender Protection Unit (CGPU) of the LMPS, 116 police officers were employed during the year to enforce law nationwide. However, there were no crime related child labor investigations or prosecutions during the year.(32) The CGPU does not have guaranteed funding; rather, it receives funding from the general operations budget of the national police.(1) In June 2014, the Ministry of Home Affairs partnered with UNODC, in conjunction with the IOM and the U.S. Department of Homeland Security, to conduct a train-the-trainers workshop.(34) It was attended by 15 police officials, 15 immigration officials, 2 Home Affairs legal representatives, 4 National Security Services officials, 1 Social Welfare official, 5 prosecutors, and 10 labor officials. The workshop focused on victim identification, protection, and assistance, as well as on the investigation and prosecution of trafficking crimes.(34)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Task Team (NTT)	Implement the National Action Plan on the Elimination of Child Labor (APEC). Led by the MOEL's Child Labor Unit and the NTT (formerly the Program Advisory Committee on Child Labor). Comprises representatives from government ministries, trade unions, NGOs, and international organizations.(1, 16) The NTT was not active during the year.(33)
Multi-Sectoral Committee on Combating Trafficking in Persons (MSC)	Serve as lead body on trafficking in persons and approve legislation and policies to prevent human trafficking. Chaired by the Commissioner of Refugees and the MSC this committee also includes government ministries; local government members; and representatives from NGOs, international organizations, and faith-based organizations.(35)
District Child Protection Teams	Coordinate child protection matters, including child labor, at the district level. Led by the Ministry of Social Development. Comprises representatives from Government, business, NGOs, and community support groups.(1)

Although the Government of Lesotho does not have a formal referral system for children identified during inspections, the CGPU reported that child victims are referred to an appropriate NGO for services; during the year there were no reported violations. (1, 6, 9)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Lesotho has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Action Plan for the Elimination of Child Labor (APEC)†	Seeks to ensure that all major interventions regarding child labor are in place while preventing duplication of efforts. Constitutes a strategic program framework based on existing and planned interventions in relevant social and economic sectors, some linked to other program initiatives.(33)
National Anti-Trafficking in Persons Strategic Framework and Action Plan†	Aims to support the national and international obligations and commitments by strengthening approaches to protect children against the worst forms of child labor in support of the vision to “eradicate all forms of trafficking in persons in Lesotho, protect victims of trafficking in persons, arrest and successfully prosecute offenders and put in place preventative measures.”(33)
National Policy on Orphans and Vulnerable Children	Safeguards the rights of orphans and vulnerable children to an education, promotes access to apprenticeships and vocational and life skills of orphans and vulnerable children, and implements child labor prevention programs.(36)
Lesotho United Nations Development Assistance Framework (2013–2017)	Includes strategies to reduce poverty and attain Millennium Development Goals in Lesotho.(37) Framework promotes education for children, supports youth employment, and builds the Government's capacity to provide social welfare services to vulnerable children.(37)
Lesotho: Poverty Reduction Strategy Paper—National Strategic Development Plan (2012/2013–2016/2017)	Addresses prevention measures and child protection services (CGPU/police, social welfare, health, and the justice system) and their capacity to respond adequately to cases of violence, abuse, and exploitation of children, including child labor.(38)
Education Sector Strategy Plan (2005–2015)*	Outlines strategies to improve access, equity, and quality of education, as well as to reduce school fees and provide school meals to vulnerable children.(39)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was approved during the reporting period.

The Government issued new guidelines for the protection of herd boys and children under age 18 who may be exposed to hazardous work, including applying pesticides and conducting herding activities.(9) Previous guidelines prohibited night work for herders under age 13 and required that herd boys be monitored, clothed, fed, and remunerated.(40) These guidelines also provide protection for children working in agriculture in ploughing, harvesting, and applying pesticides.(40) During the year, the MOLE began holding districtwide meetings that included local chiefs to explain the new guidelines to protect herd boys. The MOL encouraged local chiefs to report complaints about the abuse of herd boys to the MOL and to the police.(9) The Government of Lesotho finalized and publicly launched the National Anti-Trafficking in Persons Strategic Framework and Action Plan. In addition, the Government launched the Southern African Development Community data collection software; although it is unclear if the system will collect data on child labor and enforcement efforts in country.(34)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Lesotho funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Global Action Program on Child Labor Issues Project	USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to improve the evidence base on child labor through data collection and research in Lesotho.(41)
Awareness-Raising Campaign on Human Trafficking*	Ministry of Gender and Youth, Sports and Recreation program operated with support from an NGO. Facilitate public awareness raising on human trafficking and gender-based violence in rural communities.(6, 35) Translated the anti-trafficking law into local languages and distributed it at border posts.(35)
Awareness Raising for Herd Boys	Ministry of Gender and Youth, Sports and Recreation program that conducted workshops for herd boys. Workshops provided information on trafficking issues, health, HIV/AIDS, and sexual reproductive health.(6, 35)
Lesotho Child Grants Program*‡	Government program funded also by the EU and UNICEF to provide direct-cash transfers to orphans and vulnerable children to improve their living standards, increase their school enrollment, and improve their nutrition and health. Amount provided to each household increased based on the number of orphans and vulnerable children.(16) Government provided full funding for the program, allocating \$3.6 million in the 2013/2014 budget.(1)
ILO—Decent Work Country Program (2012–2017)	Includes a child labor component to establish a child labor unit within the labor inspectorate in order to address child labor in the informal sector and conduct a national child labor survey. Other objectives include employment creation, social protection coverage for citizens, and social dialogue among the tripartite partners.(10)
OVC Scholarships Program*‡	Government program that pays for the tuition, uniforms, supplies, and boarding fees for OVCs. Provided full funding for the program in the 2013–2014 budget, benefitting 12,873 orphans and vulnerable children in 2014.(1, 33)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Lesotho.

The Government continues to provide free medical services to victims of child labor at government-run hospitals and clinics.(1, 33) The Government also sponsored legal, life skills, and counseling services for crime and trafficking victims; the number of victims that received services is unknown. Despite its pledges, however, the Government failed to provide financial support to NGOs and develop a formal referral system to direct trafficking victims to NGOs; this resulted in one NGO suspending its services.(33)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, the following actions would advance the elimination of child labor, including its worst forms, in Lesotho (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Adopt laws to prohibit the use of children for illicit activities, including in burglary and gang-related activities.	2009 – 2014
	Establish minimum penalties for those who commit offenses under the Children's Protection Welfare Act.	2011 – 2014
	Legally establish 15 as the age up to which education is compulsory, to match the minimum age for full-time work.	2010 – 2014
Enforcement	Ensure that labor inspections are conducted in all relevant sectors allowed by law to facilitate enforcement of child labor laws.	2014
	Provide adequate funding and training to labor inspectors and criminal investigators to address the worst forms of child labor.	2009 – 2014
	Ensure that the Ministry of Labor and Employment collect data on child labor violations, publish appropriate statistics on investigations, prosecutions, and convictions of child labor and trafficking laws to facilitate enforcement of child labor laws.	2011 – 2014

Table 9. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Coordination	Ensure that the NTT fully serves its function to coordinate efforts to combat child labor.	2011 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into existing youth policies such as the Education Sector Strategy Plan.	2012 – 2014
Social Programs	Assess the impact of existing social programs on the elimination of the worst forms of child labor.	2012 – 2014
	Develop a formal social services referral system for victims of child labor.	2014
	Conduct research to determine where children are engaged in domestic work, commercial sexual exploitation, livestock herding, and street work to inform the development of social programs to address these problems.	2010 – 2014

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