

Lesotho

In 2011, Lesotho made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government enacted the Children's Protection and Welfare Act, which defines hazardous work prohibited for children and addresses the worst forms of child labor in Lesotho, and adopted the Anti-Trafficking in Persons Act in January 2011. The Government also launched a policy of free and compulsory primary education in June 2011. However, gaps in the labor law leave children working without a contract or in unregulated establishments unprotected from labor violations. Children continue to work in the worst forms of child labor, including in livestock herding and domestic service.



Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		69.6

Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lesotho are engaged in the worst forms of child labor, including in livestock herding and domestic service. Livestock herding among Lesotho boys is considered a rite of passage.(3, 4) Child herders often work in cattle posts for long hours, are exposed to extreme weather conditions, are denied an education and are at risk of being attacked by armed thieves due to their isolation.(3, 4) Some children also work in dangerous activities in agriculture.(5, 6) Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.(6, 7)

Children, mostly girls, are commonly employed as domestic servants.(4) Domestic servants in Lesotho work long hours, sometimes up to 16 hours a day, and are susceptible to sexual abuse due to their isolation in private homes.(5, 8) Children also engage in informal street vending.(4) Children working on the streets as vendors may be exposed to many dangers, including severe weather, vehicle accidents and crime. They may also face physical and verbal abuse from older

vendors.(3, 4) Anecdotal evidence also suggests that some street children scavenge through waste dumps in and around garment manufacturing factories, which cause them to be exposed to dangerous chemicals.(9)

Children may also be exploited in illicit activities, as there is no legislation that specifically protects children under age 18 from being procured or offered for illicit activities.(10) Children are used by criminals to engage in illicit activities, such as theft, drug trafficking and dealing in stolen goods.(3, 4, 11) These children are also vulnerable to commercial sexual exploitation.(11) Children are reportedly trafficked from Lesotho to South Africa for commercial sexual exploitation and domestic service.(12, 13)

Lesotho has the third highest rate of HIV prevalence in the world.(14) According to the Government of Lesotho and the National AIDS Commission of Lesotho, the HIV/AIDS pandemic contributed to a rapid increase in the number of orphans and vulnerable children (OVC) in Lesotho, which increased from 88,500 to 108,000 children from 2005 to 2008.(15) OVC, especially girls, often become primary caregivers for other family members and act as heads of households.(15) These vulnerable children frequently leave school and engage in the worst forms of child labor to survive; they sometimes engage in prostitution and may be exploited in domestic service.(15, 16)

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code, the minimum age for employment is 15, and the minimum age for hazardous work is 18. Children ages 13 to 15 may perform light work in a home-based environment, technical school or in another institution approved by the Department of Education.(17) The Labor Code prohibits the employment of children at night,

in mines and quarries, and in work that is likely to jeopardize their health, safety and morals.(17) The Labor Code does not extend protections to children employed without a contract, and thus excludes many children engaged in the worst forms of child labor in domestic service and street vending.(4, 10, 18)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

During the reporting period, the Government enacted the Children's Protection and Welfare Act of 2011. The Act defines and prohibits exploitative child labor and hazardous work for children.(4, 19) Under this Act, child trafficking, the commercial sexual exploitation of children and night work and industrial undertakings by children are also prohibited.(4, 19) Although there are maximum penalties for violations of this Act, the Act does not set minimum punishments for first-time offenders of employing underage children or exploiting children in night work or industrial undertakings.(19) While Lesotho's Education Act of 2010 makes primary education compulsory and tuition-free legally from age 6, the age to which it is compulsory has yet to be determined.(4, 20, 21)

Enacted into law in January 2011, Lesotho's Anti-Trafficking in Persons Act prohibits trafficking of all citizens, including children, for both sexual and labor exploitation. The Anti-Trafficking in Persons Act provides for a maximum penalty of life imprisonment for child trafficking.(4) In addition, the Children's Protection and Welfare Act criminalizes child trafficking and commercial sexual exploitation and also prescribes stringent penalties of 20 years imprisonment for these offenses.(4)

Military service in Lesotho is voluntary, and the minimum age for conscription is set at 18.(22) No legislation prohibits the use of children for illicit activities, such as the distribution and production of drugs.(10) Revisions to the Labor Code have been drafted, but have been pending since 2006. The ILO-CEACR recommends that these amendments be ratified to better protect children from being used in illicit activities.(10)

Institutional Mechanisms for Coordination and Enforcement

The Government of Lesotho has a multisectoral Program Advisory Committee on Child Labor (PACC) to oversee the coordination of child labor programs at the national level.(4) The PACC comprises representatives of government ministries, NGOs, international organizations and law enforcement. Participating ministries include the Ministry of Foreign Affairs and International Relations; the Ministry of Gender and Youth, Sports and Recreation; the Ministry of Justice and Human Rights; the Ministry of Health and Social Welfare; the Ministry of Education and Training; the Ministry of Labor and Employment (MOLE); the Ministry of Home Affairs and the Ministry of Law and Constitutional Affairs.(4) The Department of Labor within the MOLE is responsible for leading the PACC.(4) However, the PACC was not functional during the reporting period.(4)

The MOLE and the Child and Gender Protection Unit (CGPU) of the national police are responsible for enforcing child labor laws and investigating child labor violations.(4) The CGPU is responsible for enforcing laws related to hazardous and forced child labor, child prostitution, child trafficking and the use of children for illicit activities.(4, 18, 23) The CGPU investigates violations of Lesotho's Children's Rights Act and has a team of approximately 30 inspectors spread evenly throughout the country and the MOLE has approximately 50 inspectors.(4) Although, child labor violations are reported to the CGPU for investigation, the CGPU did not receive funding specifically for investigating cases related to child trafficking, child prostitution or the use of children in illicit activities during the reporting period.(4, 18) The MOLE and the CGPU reported having inadequate resources to investigate child labor violations.(4) According to ILO-IPEC, the labor inspection system in Lesotho could improve with additional financial resources.(24) Labor inspectors did not have any training on hazardous child labor in 2011.(4)

While there are no child labor specific inspections, the MOLE carries out general inspections to check for compliance with the Labor Code, including its provisions on child labor.(4)

In 2011, the MOLE carried out 1,000 labor inspections, but reportedly did not find any child labor violations. The CGPU did not make any statistics publicly available on the number of inspections carried out in 2011.(4)

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have a policy framework specifically for the elimination of the worst forms of child labor.(4) The Government completed a National Action Plan for the Elimination of Child Labor (APEC) in 2008, but it was never implemented.(4, 18) During the reporting year, the APEC was revised so that it would not need cabinet approval or an independent budget in order to begin its delayed implementation.(4) Relevant ministries and institutions have been asked to incorporate activities outlined in the APEC into their national action plans.(25)

To implement the Education Act of 2010, the Government launched a policy of free and compulsory primary education in June 2011. The policy requires children from ages 6 to 13 to be enrolled in a primary school.(4, 26) The policy also aims to eliminate school fees across the country through a phased approach and to provide school meals to vulnerable children.(4, 27) In addition, another government policy, effective in January 2012, lowered school fees in all public secondary schools. These two policies are likely to increase school enrollment and may decrease child labor.(4, 25)

The Government's National Policy on Orphans and Vulnerable Children notes that OVC are exposed to child labor and safeguards the rights of OVC to an education and calls for child labor prevention and vocational training programs.(28) The Government's National HIV and AIDS Strategic Plan (2006-2011) aimed to provide education and economic strengthening services to OVC, and to reduce the impact of HIV/AIDS on OVC and herd children.(15) Through its National AIDS Commission, the Government of Lesotho also developed the HIV/AIDS Strategic Plan 2010--2012 for the herd boys' community, which calls for access to education and HIV/AIDS awareness raising for herders.(29) Equally affected by HIV/AIDS as the rest of the Lesotho population, this Plan is directed toward the herd boys' community because they are also considered especially vulnerable due to poverty, level of education and geographical inaccessibility. Many Basotho boys raised as herders do not value formal education and, therefore, are illiterate, which prevents them from being able to read the materials published on HIV/AIDS issues.(29)

The 2008 United Nations Development Assistance Framework (UNDAF), revised in 2009, developed core strategies to set national priorities for poverty reduction and the attainment of the Millennium Development Goals in Lesotho. These include provisions for vulnerable populations, such as children with HIV/AIDS and OVC.(30) UNDAF promotes education for herd boys, domestic workers and vulnerable children. It also supports youth employment and builds the Government's capacity to provide social welfare services to vulnerable children.(31, 32) However, no activities were implemented in 2011.(30)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government assisted trafficking victims by partnering with NGO-run care centers and providing free medical services at government hospitals and clinics.(13) However, the absence of a victim referral system signifies a major disconnect in Lesotho's anti-trafficking efforts.(13) The Government also conducted extensive public campaigns to increase awareness of human trafficking.(13) Although the commercial sexual exploitation of children is banned under the Children's Protection and Welfare Act, there were no known efforts by the Government to reduce the demand for commercial sex.(4, 13)

In cooperation with UNICEF and the EU, the Government continued to implement the Child Grants Program, which sought to empower OVC through interventions in education, physical and mental well-being, life skills, food and nutrition and social protection.(33) Specifically, the Program provided financial support, school uniforms, psychosocial support through visits from social workers and community-based training on psychosocial support and child protection.(25) The Program also involved community-based facilitators identifying OVC and monitoring the use of child grants, as well as increasing OVC's access to health services and information on HIV prevention.(25) Research suggests that combining cash transfers with other social services leads to a greater impact.(33) The Program aimed to improve the welfare of children burdened with poverty, food insecurity, HIV/AIDS and the poor's access to public services.(4, 33) Through this OVC Program, the Government made quarterly payments of approximately \$45 to caregivers and provided scholarships to cover the cost of tuition, uniforms, stationery and boarding fees for OVC. The Program has benefited 20,000 children since 2000.(4) However, research found no evidence of an assessment of the impact of this program on reducing the worst forms of child labor in Lesotho.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Lesotho:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Ensure that labor laws protect all children, regardless of labor contract status.	2009, 2010, 2011
	Provide minimum penalties for violations of the Child Protection and Welfare Act for all offenses.	2011
	Draft and adopt laws to prohibit the use of children for illicit activities.	2009, 2010, 2011
	Legally establish 15 as the age to which education is compulsory to match the minimum age for full-time work.	2010, 2011
	Establish minimum penalties for those who commit offenses against the Children's Protection and Welfare Act.	2011
Coordination and Enforcement	Ensure that the PACC serves its function to coordinate efforts to combat child labor.	2011
	Provide adequate funding to support enforcement efforts.	2009, 2010, 2011
	Collect and publish appropriate statistics on investigations, prosecutions and convictions of child labor and trafficking laws.	2011
	Provide training on hazardous child labor to all labor inspectors.	2011
Policies	Articulate and implement actions to specifically address child labor within the national development agenda for poverty reduction and for the OVC goals.	2009, 2010, 2011
	Implement activities for vulnerable children, including those in domestic service and livestock herding, under the UNDAF Plan.	2010, 2011
	Conduct research to determine the extent to which street children scavenge in waste dumps of factories.	2010, 2011
Social Programs	Implement social programs to reduce the demand for commercial sex and to combat the commercial sexual exploitation of children.	2011
	Implement social programs to ensure street children have adequate food and shelter.	2011
	Assess the impact of the Child Grants program on the elimination of worst forms of child labor.	2011
	Implement a trafficking victim referral system.	2011

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