

In 2015, Lesotho made a moderate advancement in efforts to eliminate the worst forms of child labor. During the year, the Government created an implementation strategy for the National Action Plan on the Elimination of Child Labor, published implementing regulations for the Anti-Trafficking in Persons Act of 2011, and established an Anti-Trafficking in Persons Task Force to collect data on human trafficking. However, children in Lesotho continue to engage in the worst forms of child labor, including in herding cattle and commercial sexual exploitation sometimes as a result of human trafficking. 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 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 combatting child labor in Lesotho.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Lesotho are engaged in the worst forms of child labor, including in herding cattle 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 (%)		75.7

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(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* (6, 8, 13)
	Use 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’s HIV/AIDS rate in adults is 23.4 percent, the second highest rate in the world. Thirty-four percent of children in Lesotho are orphans, due to the high rate of HIV/AIDS among adults.(9, 10, 14-16) Children, mostly HIV/AIDS orphans driven by poverty, migrate from rural to urban areas to engage in commercial sexual exploitation for survival.(10, 13, 17) Some Basotho girls voluntarily migrate to South Africa for work in domestic service and later become victims of forced labor in prostitution.(3)

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 Labour Code (1992) (18); Article 228(1) of the Children's Protection and Welfare Act (19)
Minimum Age for Hazardous Work	Yes	18	Article 125(1) of the Labour Code (18); Article 230(1) of the Children's Protection and Welfare Act (19)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 230(3) and 231 of the Children's Protection and Welfare Act (19)
Prohibition of Forced Labor	Yes		Article 9(2) of the Constitution; Article 7(1) of the Labour Code; Article 5 of the Anti-Trafficking in Persons Act (18, 20, 21)
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 (19); 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, 23)
Free Public Education	Yes		Article 3 of the Education Act (11, 23); Section 22(k) of the Children's Protection and Welfare Act (19)

* No conscription (24)

‡ Age calculated based on available information

The Ministry of Employment and Labor reported that it would revise the Labour Code to incorporate the 2014 guidelines that mandated protection of herd boys and prohibited the use of children for hazardous work.(9) Although there are maximum penalties for violations of the Children's Protection and Welfare Act, the law does not set minimum penalties for employing underage children in night work, industrial undertakings, or hazardous work for first-time offenders.(19)

Although the Government of Lesotho does not have a law that specifies the minimum age for voluntary military service, the Lesotho Defense Force has a policy prohibiting the recruitment of children under age 18.(25, 26) Lesotho's compulsory education age is through 13, which makes children at age 14 particularly vulnerable to child labor since they are not required to be in school and have not reached the minimum age for work.(9, 18) The ILO Committee of Experts urged the Government to collaborate with the Ministry of Education and Training to equate the compulsory education age and minimum age for work.(9, 27)

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 work 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)

In 2015, the Ministry of Labor and Employment reviewed the Labour Code with the aim of making revisions that would authorize labor inspectors to conduct child labor investigations in the informal sector on private farms and in homes.(9)

Labor Law Enforcement

In 2015, labor law enforcement agencies in Lesotho took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown (9)	Unknown (9)
Number of Labor Inspectors	38 (28)	38 (9)
Number of Child Labor Dedicated Inspectors	0 (9)	3 (9)
Inspectorate Authorized to Assess Penalties	No (9)	No (9)
Training for Labor Inspectors		
■ Initial Training for New Employees	Yes (9)	Yes (9)
■ Training on New Laws Related to Child Labor	Yes (9)	Yes (9)
■ Refresher Courses Provided	Yes (9)	Yes (9)
Number of Labor Inspections	1,330 (9)	1,794 (9)
■ Number Conducted at Worksite	1,330 (9)	1,794 (9)
■ Number Conducted by Desk Reviews	Unknown (9)	Unknown (9)
Number of Child Labor Violations Found	0 (9)	0 (9)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (9)	0 (9)
■ Number of Penalties Imposed That Were Collected	N/A (9)	N/A (9)
Routine Inspections Conducted	Yes (9)	Yes (9)
■ Routine Inspections Targeted	No (9)	No (9)
Unannounced Inspections Permitted	Yes (28)	Yes (9)
Unannounced Inspections Conducted	Yes (9)	Yes (9)
Complaint Mechanism Exists	No (9)	No (9)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (9)	Yes (9)

In 2015, funding for inspections was inadequate, and inspectors lacked adequate resources and vehicles to conduct labor investigations to identify and address child labor violations. No inspections were carried out in the informal sector.(9) In 2015, USDOL, in collaboration with the U.S. Federal Mediation and Conciliation Service, trained 35 labor inspectors and factory representatives on occupational safety and health requirements to ensure compliance with labor laws. (9)

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Lesotho took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Yes (9)	Yes (9)
■ Training on New Laws Related to the Worst Forms of Child Labor	Yes (9)	No (9)
■ Refresher Courses Provided	No (9)	No (9)
Number of Investigations	0 (9)	0 (9)
Number of Violations Found	0 (9)	0 (9)
Number of Prosecutions Initiated	0 (9)	0 (9)
Number of Convictions	0 (9)	0 (9)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (9)	Yes (9)

In 2015, the LMPS was responsible for the enforcement of criminal laws pertaining to child labor and employed 116 police officers to enforce laws nationwide.(3, 9, 29) The National Police, Child and Gender Protection Unit received funding from the general operations budget of the national police because it did not have its own funding pool.(1, 9) During the year, the Government of Lesotho published implementing regulations for the Anti-Trafficking in Persons Act of 2011, held cross-border awareness campaigns with South African officials on identifying and documenting potential trafficking victims, and created a new Anti-Trafficking in Persons Task Force.(30)

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 8).

Table 8. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Task Team	Implement the National Action Plan on the Elimination of Child Labor. Led by the MOLE's Child Labor Unit, the team includes representatives from government ministries, trade unions, NGOs, and international organizations.(1, 17)
Multi-Sectoral Committee on Combating Trafficking in Persons	Spearhead anti-trafficking in persons initiatives and approve legislation and policies to prevent human trafficking. Chaired by the Commissioner of Refugees and also include government ministries; local government members; and representatives from NGOs, international organizations, and faith-based organizations.(31)
District Child Protection Teams	Coordinate child protection matters, including child labor, at the district level. Led by the Ministry of Social Development, it includes representatives from the Government, private sector, NGOs, and community support groups.(1)

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 9).

Table 9. Policies Related to Child Labor

Policy	Description
National Action Plan on the Elimination of Child Labor (APEC)	Ensures 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.(32) During the year, the Government adopted an implementation strategy for APEC.(9)
National Anti-Trafficking in Persons Strategic Framework and Action Plan	Supports 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."(32)
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.(33)
Lesotho United Nations Development Assistance Framework (2013–2017)	Includes strategies to reduce poverty in Lesotho.(34) Promotes education for children, supports youth employment, and builds the Government's capacity to provide social welfare services to vulnerable children.(34)

Table 9. Policies Related to Child Labor (cont)

Policy	Description
Lesotho: Poverty Reduction Strategy Paper—National Strategic Development Plan (2012/2013–2016/2017)	Outlines prevention measures and identifies 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.(35)
Education Sector Strategic 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.(36)

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

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Lesotho funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Social Programs to Address Child Labor

Program	Description
Global Action Program on Child Labor Issues Project (2011–2017)	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 and 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.(37)
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, 31) Translated the anti-trafficking law into local languages and distributed it at border posts.(31)
Awareness Raising for Herd Boyst	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.(31)
ILO—Decent Work Country Program (2012–2017)	ILO-funded program supported by MOLE that includes objectives on creating youth employment as a poverty reduction strategy, establishing social protection coverage for citizens, and facilitating social dialogue among employers and workers.(10)
Orphans and Vulnerable Children (OVC) Scholarships Program†	Government program that pays for the tuition, uniforms, supplies, and boarding fees for OVCs.(1)

† Program is funded by the Government of Lesotho.

Although Lesotho has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem.

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 11).

Table 11. 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 in illicit activities.	2009 – 2015
	Establish minimum penalties for those who commit offenses under the Children's Protection and Welfare Act.	2011 – 2015
	Legally establish 15 as the age up to which education is compulsory, to match the minimum age for full-time work.	2010 – 2015
Enforcement	Provide adequate funding for labor inspectors and adequate funding and training for criminal investigators to address the worst forms of child labor.	2009 – 2015
	Ensure that labor inspections are conducted in all relevant sectors allowed by law to facilitate enforcement of child labor laws.	2014 – 2015
	Authorize the labor inspectorate to assess penalties to facilitate the enforcement of child labor laws.	2015

Table 11. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Government Policies	Integrate child labor elimination and prevention strategies into existing youth policies such as the Education Sector Strategic Plan.	2012 – 2015
Social Programs	Expand existing programs to address the scope of the child labor problem.	2015

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