

In 2017, Lesotho made a moderate advancement in efforts to eliminate the worst forms of child labor. The Ministry of Labor and Employment provided training to labor inspectors on new child labor laws and included a child labor module in its Labor Force Survey. In addition, the government pledged to use research to address child labor in the informal sector during the 2017 IV Global Conference on the Sustained Eradication of Child Labor. However, children in Lesotho continue to engage in the worst forms of child labor, including in animal herding and commercial sexual exploitation, sometimes as a result of human trafficking. Lesotho's compulsory education age is below the minimum age for work, leaving children in between these ages vulnerable to child labor. The government also lacks sufficient programs to combat child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Lesotho engage in the worst forms of child labor, including in animal herding and commercial sexual exploitation, sometimes as a result of human trafficking. (1; 2) 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 to 14	28.1 (124,632)
Attending School (%)	5 to 14	80.7
Combining Work and School (%)	7 to 14	25.3
Primary Completion Rate (%)		78.9

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (3)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 2, 2000. (4)

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† (5; 6)
	Farming, including planting, applying pesticides, and harvesting (7; 8; 5; 9)
Services	Domestic work (10; 11; 5; 6)
	Street work, including vending, and trading (5; 9)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, domestic work, and animal herding, each sometimes as a result of human trafficking (5; 6)
	Use in illicit activities, including burglary and theft (5; 6)

† 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 is a source, transit, and destination country for human trafficking. Children in Lesotho are subjected to commercial sexual exploitation and forced to work as domestic workers and animal herders, sometimes as a result of human trafficking. (6) Children sometimes voluntarily travel to neighboring countries such as South Africa for domestic work, and upon arrival are subsequently detained in prison-like conditions and sexually exploited. (6)

Currently, the government has published no data on the prevalence of child labor, including its worst forms. (5) In 2017, however, the Bureau of Statistics amended the Multiple Indicator Cluster Survey and Labor Force Survey to include a child labor module. The statistics with the child labor module are scheduled for release in 2018. (5)

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Of note, in 2017, the Lesotho Population-based HIV Impact Assessment reported that the HIV rate in adults (ages 15–59) is 25.6 percent, the second-highest HIV rate in adults worldwide. (5; 12) Many children in Lesotho become orphans due to the high rate of HIV among adults. (10; 7; 13; 14; 15) Children, mostly HIV orphans driven by poverty, migrate from rural to urban areas to engage in commercial sexual exploitation. (7; 16) Also, children with disabilities are vulnerable to the worst forms of child labor as they encounter difficulties accessing education due to ill-equipped educational facilities and untrained teachers. (17) UNICEF reported a 45 percent rate in birth registrations. NGOs confirmed that the low number of birth registrations results in children becoming stateless. (18; 19) These factors increase the vulnerability of children to the worst forms of child labor, such as human trafficking.

II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Lesotho's legal framework to adequately protect children from child labor, including the compulsory education age.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 124(1) of the Labour Code; Article 228(1) of the Children's Protection and Welfare Act (20; 21)
Minimum Age for Hazardous Work	Yes	18	Article 125(1) of the Labour Code; Article 230(1) of the Children's Protection and Welfare Act (20; 21)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 230(3) and 231 of the Children's Protection and Welfare Act (20)
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 (22; 21; 23)
Prohibition of Child Trafficking	Yes		Article 5 of the Anti-Trafficking in Persons Act (23)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 77 of the Children's Protection and Welfare Act; Articles 10–14 of the Sexual Offenses Act (24; 20)
Prohibition of Using Children in Illicit Activities	Yes		Article 45(b) of the Children's Protection and Welfare Act (20)
Prohibition of Military Recruitment			
State Compulsory	N/A*		Article 22(o) of the Children's Protection and Welfare Act (20)
State Voluntary	Yes	18	Section 26 of the Lesotho Defence Force Act (25)
Non-state	Yes	18	Article 22(o) of the Children's Protection and Welfare Act (20)
Compulsory Education Age	No	13‡	Article 3 of the Education Act (26)
Free Public Education	Yes		Article 3 of the Education Act; Article 22(k) of the Children's Protection and Welfare Act (20; 26)

* No conscription (20)

‡ Age calculated based on available information (26)

Education is compulsory in Lesotho through age 13, which makes children age 14 particularly vulnerable to child labor because they are not required to be in school and have not reached the minimum age for work. (10; 21)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Children's Court that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Employment (MOLE)	Enforce minimum age requirements under child labor laws, including for hazardous occupations. Assess compliance with child labor laws as part of general labor inspections. (27; 28)
National Police, Child and Gender Protection Unit (CGPU)	Investigate criminal 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. (27; 29)
Public Prosecutor's Office	Prosecute child labor law offenders. (27)
Children's Court	Enforce criminal laws related to the worst forms of child labor. (27)

Labor Law Enforcement

In 2017, labor law enforcement agencies in Lesotho took actions to combat child labor (Table 6). However, gaps exist within the operations of MOLE that may hinder adequate labor law enforcement, including insufficient resource allocation.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown (30)	Unknown (5)
Number of Labor Inspectors	32 (30)	34 (5)
Inspectorate Authorized to Assess Penalties	Yes (30)	Yes (5)
Training for Labor Inspectors		
Initial Training for New Employees	No (30)	Yes (5)
Training on New Laws Related to Child Labor	No (30)	Yes (5)
Refresher Courses Provided	No (30)	Yes (5)
Number of Labor Inspections Conducted	1,324 [†] (31)	1,060 [‡] (5)
Number Conducted at Worksites	1,324 [†] (31)	1,060 [‡] (5)
Number of Child Labor Violations Found	1 (30)	3 (5)
Number of Child Labor Violations for Which Penalties were Imposed	0 (30)	0 (5)
Number of Child Labor Penalties Imposed that were Collected	N/A (30)	N/A (5)
Routine Inspections Conducted	Yes (30)	Yes (5)
Routine Inspections Targeted	No (30)	No (5)
Unannounced Inspections Permitted	Yes (30)	Yes (5)
Unannounced Inspections Conducted	Yes (30)	Yes (5)
Complaint Mechanism Exists	Yes (30)	Yes (5)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (30)	Yes (5)

[†] Data are from April 1, 2016 to March 31, 2017.

[‡] Data are from April 1, 2017 to November 1, 2017.

In 2017, the Ministry of Labor and Employment (MOLE) provided legislative recommendations to Parliamentary Counsel on how to amend the Labor Code and the Children's Welfare and Protection Act. The recommendations supported the authorization of the labor inspectorate to conduct inspections in the informal sector. (5) In 2017, MOLE, in collaboration with the Ministry of Social Development and NGOs, educated the public about child labor through 16 awareness-raising campaigns, media sessions, and school visits. (5; 9)

Reports indicate that funding is inadequate for the labor inspectorate to carry out investigations. (10; 30) Moreover, the current mandate for MOLE does not authorize labor inspections in the informal economy. (5)

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Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Lesotho took actions to combat child labor (Table 7). However, gaps exist within the operations of the National Police that may hinder adequate criminal law enforcement, including financial resources.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Yes (30)	Yes (5)
Training on New Laws Related to the Worst Forms of Child Labor	No (30)	No (5)
Refresher Courses Provided	No (30)	No (5)
Number of Investigations	0 (30)	0 (5)
Number of Violations Found	0 (30)	0 (5)
Number of Prosecutions Initiated	1 (30)	0 (5)
Number of Convictions	0 (30)	0 (5)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (30)	Yes (5)

Reports indicate that the National Police Child and Gender Protection Unit receives inadequate or no funding to carry out child labor investigations. (27; 10; 9)

In 2016 the government had established a special permit system with South Africa to allow Basothos to legally work in South Africa as a mechanism to curb human trafficking. In 2017, 94,951 Basothos applied for the permit and 86,501 were approved. (5) The government continued to incorporate human trafficking lessons in the primary school curriculum (Standard 7) and held cross-border awareness campaigns with South African officials on identifying and documenting potential trafficking victims. (32; 9)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the capacity to coordinate efforts to address child labor, including efficacy in accomplishing mandates.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
Program Advisory Committee on Child Labor (PACC)/National Task Team	Implement the National Action Plan for the Elimination of Child Labor. Led by MOLE's Child Labor Unit, the team includes representatives from government ministries, trade unions, NGOs, and international organizations. (27; 16) In 2017, PACC did not meet. (5)
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, includes government ministries, local government members, and representatives from NGOs, international organizations, and faith-based organizations. (33) In 2017, met two times and finalized drafting victim identification and referral guidelines, which currently await the signature of MOLE's Principal Secretary. (5)
District Child Protection Teams	Coordinate child protection matters, including child labor, at the district level. Led by the Ministry of Social Development, include representatives from the government, private sector, NGOs, and community support groups. (27) In 2017, Thava Tseka District Protection Team hosted three public meetings to educate the public about child labor. (5; 9)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including implementation and mainstreaming child labor issues into relevant policies.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan for the Elimination of Child Labor (APEC) (2013–2017)	Focuses on the development of programs to withdraw, rehabilitate, and protect children from the worst forms of child labor. (34; 35) Research was unable to find information about the implementation of this policy during 2017.

Table 9. Key Policies Related to Child Labor (cont)

Policy	Description
National Anti-Trafficking in Persons Strategic Framework and Action Plan (2013–2017)	Supports the national and international obligations and commitments regarding human trafficking, in support of the vision to eliminate all forms of trafficking in persons in Lesotho. Provides for victim protection, successful arrests and prosecutions of offenders, and concrete preventive measures. (34) Research was unable to find information about the implementation of this policy during 2017.
National Strategic Plan on Vulnerable Children (2012–2017)	Safeguards the rights of orphans and vulnerable children to an education, promotes access to apprenticeships and vocational and life skills programs for orphans and vulnerable children, and implements child labor prevention programs. (36; 37) Research was unable to find information about the implementation of this policy during 2017.
Lesotho United Nations Development Assistance Framework (2013–2017)	Includes actions to build the capacity of the government, social partners, and civil society to eliminate child labor. Promotes education for children, supports youth employment, and builds the government's capacity to provide social welfare services to vulnerable children. (38) Research was unable to find information about the implementation of this policy during 2017.
Kingdom of Lesotho: Poverty Reduction Strategy Paper—National Strategic Development Plan (2012/2013–2016/2017)	Identifies child protection services (CGPU, 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. Outlines prevention measures. (39) Research was unable to find information about the implementation of this policy during 2017.

Although the government released a draft labor policy that proposed harmonizing existing legislation with international labor standards regarding child labor, the Cabinet has yet to approve the policy. (5) government agencies disseminated information about child labor and human trafficking; however, research found no information that meaningful steps were taken by the government to implement the National Action Plan for the Elimination of Child Labor. (40) The government has not included child labor elimination and prevention strategies into existing policies such as the Education Sector Strategic Plan. (41)

The government at the 2017 IV Global Conference on the Sustained Eradication of Child Labor pledged to use evidence-based research to inform policy to address decent work in the informal sector. (42)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to fully address the scope of the problem.

Table 10. Key Social Programs to Address Child Labor‡

Program	Description
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 dialog among employers and workers. (7) In 2017, in collaboration with MOLE, conducted a study on the rural economy and held a workshop for government officials about the importance of transitioning from an informal to formal economy. (5)
Orphans and Vulnerable Children (OVC) Scholarships Program†	Government program that pays for tuition, uniforms, supplies, and boarding fees for 21,304 OVCs. (5)

† Program is funded by the Government of Lesotho.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (34)

Lesotho participated in the Regional Inter-Agency Standing Committee (RIASCO) Action Plan for Southern Africa (December 2016 through April 2017), which resulted in 15 schools (3,750 students) receiving access to clean water and toilets through the installation of new systems or the rehabilitation of existing systems. (43)

While Lesotho has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, especially concerning child labor in cattle herding and commercial sexual exploitation of children.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Lesotho (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish 15 as the age up to which education is compulsory to match the minimum age for full-time work.	2010 – 2017
Enforcement	Publish enforcement data such as the labor inspectorate's funding.	2017
	Provide adequate funding and training for labor inspectors and criminal investigators to address the worst forms of child labor.	2009 – 2017
	Ensure labor inspections are targeted and conducted in all relevant sectors, including the informal sector.	2014 – 2017
Coordination	Ensure that the Program Advisory Committee on Child Labor meets regularly to work on child labor issues per its mandate.	2017
Government Policies	Implement the National Action Plan for the Elimination of Child Labor and other policies related to child labor.	2016 – 2017
	Integrate child labor elimination and prevention strategies into existing youth policies, such as the Education Sector Strategic Plan.	2012 – 2017
	Publish information about the implementation of child labor-related policies.	2017
Social Programs	Institute programs that address push factors that promote child labor, including the high HIV rate in adults.	2017
	Increase birth registrations of children to reduce their vulnerability to the worst forms of child labor.	2017
	Expand existing programs to address the scope of the child labor problem.	2015 – 2017

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