

In 2013, Lesotho made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government fully funded the Lesotho Child Grant Program and the OVC Scholarship Program, allocating \$3.6 million and \$2.9 million, respectively, in their 2013 and 2014 budgets. The Government also revived the District Child Protection Teams to decentralize efforts to address the worst forms of child labor in the informal sector and rural areas. However, children in Lesotho continue to engage in the worst forms of child labor in cattle herding and in child labor in domestic service. 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 unprotected. 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 the worst forms of child labor in cattle herding and in child labor in domestic service.(1) 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.(2)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 2, 2000.(3)

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, 4, 5)
	Farming, including planting and harvesting (6-8)
Services	Domestic work* (1, 9)
	Street work, including vending* (10)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (5, 11, 12)
	Use of children in illicit activities,* such as burglary and theft (10)

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







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

Lesotho has an HIV/AIDS rate of 23 per cent, the third-highest rate in the world.(7, 12) The prevalence of HIV/AIDS contributes to the approximately 364,000, or 34 percent of children in Lesotho who were orphaned as of 2011.(13) Children, mostly HIV/AIDS orphans driven by poverty, migrate to urban areas to engage in commercial sexual exploitation for survival.(7, 11, 14)

## II. LEGAL FRAMEWORK ON 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 relevant 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 (15); Article 228(1) of the Children's Protection and Welfare Act (CPWA) (16)
Minimum Age for Hazardous Work	Yes	18	Article 125(1) of the Labor Code (15); Article 230(1) of the CPWA (16)
List of Hazardous Occupations Prohibited for Children	Yes		Articles 230(3) and 231 of the CPWA (16)
Prohibition of Forced Labor	Yes		Article 9(e) of the Constitution (17)
Prohibition of Child Trafficking	Yes		Article 5 of the Anti-Trafficking in Persons Act (18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 77 of CPWA (16); Articles 10–14 of the Sexual Offenses Act (19)
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	Education Act of 2010(8, 20)
Free Public Education	Yes		Article 3 of the Education Act (8, 20); Section 22(k) of CPWA(16)

\*No conscription or no standing military.(21, 22)

Lesotho laws are not completely consistent with international standards regarding child labor. The labor code does not provide protection for children working in the informal sector, leaving children working in non-contractual labor such as herding and agriculture unprotected.(5) Lesotho's CPWA does not extend protections against hazardous labor to children employed in domestic service, street vending, or agriculture.(16, 23) Lesotho also does not have a law that prohibits children from engaging in illicit activities.(24) In addition, although there are maximum penalties for violations of the CPWA, the Act does not set minimum penalties for employing underage children in night work, industrial undertakings, or hazardous work for first-time offenders.(16)

The Government of Lesotho does not have a law prohibiting the recruitment of children under age 18 for military service. However, the Lesotho Defense Force does have a policy prohibiting the recruitment of children under age 18.(25, 26)

Education is compulsory in Lesotho until 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.(2, 7, 15)

### 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 Employment and Labor (MOEL)	Enforce laws relating to child labor and hazardous child labor. Assess child labor law compliance as part of general labor inspections.(1)
National Police, Child and Gender Protection Unit (CGPU)	Investigate child labor violations and enforce child labor laws, including those related to hazardous and forced child labor, commercial sexual exploitation of children, and child trafficking.(1)
The 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 2013, inspectors carried out 1,000 labor inspections, a decrease from 1,200 inspections in 2012.(1) The MOEL did not report child labor violations or issue citations during the reporting period. Funding for inspections was inadequate, and inspectors lacked adequate office facilities, transportation, fuel, and other necessities.(1, 5)

With support from the ILO, the MOEL held three workshops to train labor inspectors on how to identify child labor in the workplace during the reporting period.(1) However, the MOEL indicated that the training was not sufficient because it did not provide inspectors with skills on how to conduct inspections in the informal sector.(1)

#### *Criminal Law Enforcement*

In 2013, the National Police, Child and Gender Protection Unit (CGPU) employed 133 police officers. However, it did not identify or investigate cases involving the worst forms of child labor.(1) The CGPU police officers did not receive training on the worst forms of child labor.(1) The CGPU does not have guaranteed funding; rather, it receives funding from the general operation budget of the national police.(1) While the Government of Lesotho does not have a referral system for children identified during inspections, the CGPU reported that child victims are referred to appropriate NGO-supported social services(1, 5). The Government also provides free medical services at government-run hospitals and clinics to victims of child labor.(1) Statistics were not available on the number of prosecutions relating to the worst forms of child labor. The Children's Court did not hear any child labor cases and there were no child labor-related convictions during the reporting period.(1)

### 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, 14)
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. Comprises government ministries, local government, and representatives from NGOs, international organizations, and faith-based organizations.(27)
District Child Protections Teams (DCPT)	Coordinate child protection matters, including child labor, at the district level. Led by the Ministry of Social Development. Comprises representatives from the government, business, NGOs, and community support groups.(1)

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## MODERATE ADVANCEMENT

In 2013, the National Task Team (NTT) held a workshop on the implementation of the National Action Plan for the Elimination of Child Labor (APEC). However, the NTT did not fully serve its function as a coordinating agency to eliminate child labor in Lesotho.(1, 9). The MSC has met three times since November 2013.(28) During the reporting period, the Government revived the District Child Protection Teams (DCPT), decentralizing its efforts to address the worst forms of child labor in order to reach the informal sector and rural areas more effectively.(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 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
Education Sector Strategy Plan (2005–2015)*	Aims to improve access, equity, and quality of education, as well as to reduce school fees and provide school meals to vulnerable children.(29)
National Policy on OVC	Safeguards the rights of OVC to an education; promotes access apprenticeships and vocational and life skills of orphans and vulnerable children; and implements child labor prevention programs.(28)
Lesotho United Nations Development Assistance Plan (2013–2017)†	Includes strategies to reduce poverty and attain Millennium Development Goals in Lesotho.(30) The Framework promotes education for children, supports youth employment and builds the Government's capacity to provide social welfare services to vulnerable children.(30)
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 to conduct a national child labor survey. Other objectives include employment creation, social protection coverage for citizens, and social dialogue among the tripartite partners.(7)

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

† Policy was launched during the reporting period.

The Government has drafted a APEC.(8) Although APEC has not yet been adopted, in 2013, the Government assigned APEC activities to agencies responsible for its implementation; developed a timeline for implementation; and came up with activities to be carried out.(1) Under APEC the Government, with assistance from the ILO, developed guidelines on herding and a definition of child labor in the herding sector.(1) The guidelines prohibit night work for herders under age 13 and require that herd boys be monitored, clothed, fed, and remunerated.(31) The guidelines also provide protection for children working in agriculture in ploughing, harvesting, and the application of pesticides. However, the guideline's protections for herding and ploughing only apply to children under age 15, and children ages 13-15 are permitted to plough and herd animals under adult supervision.(31) In addition, the guidelines permit children ages 13 and older to apply pesticides.(31) In January 2014, the Government presented the draft National Anti-Trafficking Plan to the MSC for review. The plan is pending review and adoption.(27) Lesotho's UN Development Assistance Plan was also launched during the reporting period.(30)

### VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, 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
Awareness-Raising Campaign on Human Trafficking*	Department of Gender and Youth program, run with support from an NGO. Conducted public awareness raising on human trafficking and gender based violence in rural communities.(5, 27) Translated the anti-trafficking law into local languages and distributed them at border posts.(5)
Awareness Raising for Herd Boys	Ministry of Gender and Youth program that conducted workshops for herd boys. Workshops provided information on trafficking issues, health, HIV/AIDS, and sexual reproductive health.(5)
Lesotho Child Grant Program*‡	Government-provided direct-cash transfers to OVCs 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 OVCs.(14) Government provided full funding for the program, allocating \$3.6 million in the 2013/14 budget.(1)

**Table 8. Social Programs to Address Child Labor (cont)**

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.(32)
OVC Scholarship Program*‡	Government program that pays for the tuition, uniforms, supplies, and boarding fees for OVC. Provided full funding for the program in 2013-2014 budget, benefitting 20,000 children in 2013.(1)
Trafficking in Persons Training	State Department funded project implemented by World Vision. Provides training on trafficking in persons to government officials, law enforcement, journalists, community leaders, and the public. Awareness raising was also conducted via television and radio.(27) Ended in September 2013.(27)

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

‡ Program is funded by the Government of Lesotho.

Although the Government of Lesotho provided full funding for the Child Grant and OVC programs, research found no evidence that it carried out programs during the reporting period to assist children engaged in domestic service, commercial sexual exploitation, livestock herding, and street work.(1)

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

Based on the reporting above, the following actions would advance the continued prevention 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
Laws	Ensure that relevant child labor laws apply equally to children working in contractual and non-contractual relationships.	2009 – 2013
	Amend the CPWA to extend protections to children employed in hazardous work in domestic service, street vending, and agriculture.	2013
	Adopt laws to prohibit the use of children for illicit activities.	2009 – 2013
	Establish minimum penalties for those who commit offenses under the CPWA.	2011 – 2013
	Adopt a law to prohibit the recruitment of children under age 18 for military service.	2013
	Legally establish 15 as the age to which education is compulsory to match the minimum age for full-time work.	2010 – 2013
Enforcement	Provide adequate funding and training to support enforcement efforts.	2009 – 2013
	Increase the number of inspections conducted and collect and publish appropriate statistics on investigations, prosecutions, and convictions of child labor and trafficking laws.	2011 – 2013
Coordination	Ensure that the NTT fully serves its function to coordinate efforts to combat child labor.	2011 – 2013
Government Policies	Revise the guidelines on herding to protect children under age 18 from hazardous work, including herding and applying pesticides.	2013
	Adopt the National Action Plan for the Elimination of Child Labor and the draft National Anti-Trafficking Plan.	2013
	Assess the impact that existing policies may have on addressing child labor.	2012 – 2013
Social Programs	Assess the impact of existing social programs on the elimination of worst forms of child labor.	2012 – 2013
	Implement social programs to assist children engaged in domestic service, commercial sexual exploitation, livestock herding, and street work.	2010 – 2013

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