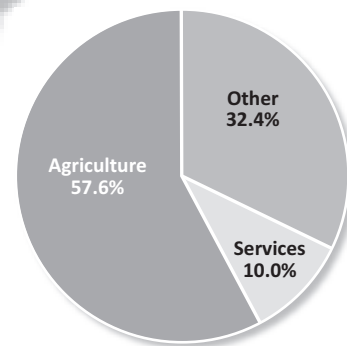


Lesotho

The Government of Lesotho piloted a cash transfer program in three districts to improve the welfare of vulnerable children and made significant efforts to prevent human trafficking through public awareness campaigns. The worst forms of child labor persist in livestock herding, domestic service, and commercial sexual exploitation. The Government has neither developed a list of hazardous activities nor enacted a national plan of action against child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	2.2%
Attending School	5-14 yrs.	81.8%
Combining Work and School	7-14 yrs.	25.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lesotho are exploited in the worst forms of child labor,²⁸⁷⁶ many of them in agriculture, where the majority of working children are found.²⁸⁷⁷ Children's work in agriculture may involve long hours, physically arduous tasks, dangerous tools, and a high risk of occupational injury.²⁸⁷⁸ Children, especially boys, herd livestock.²⁸⁷⁹ Child herders often work in cattle posts for several months, where they are isolated from their communities, exposed to extreme weather conditions, denied education, and at risk of being attacked by armed men.²⁸⁸⁰

Children are commonly employed as domestic servants.²⁸⁸¹ Many child domestics work long hours, sometimes as long as 16 hours a day, and are susceptible to sexual abuse.²⁸⁸² Children also engage in informal street vending.²⁸⁸³ Children found in street vending work excessive hours without rest, are exposed to harsh weather conditions, and face physical and verbal abuse from older vendors.²⁸⁸⁴ Some children also perform household chores without a time limit.²⁸⁸⁵

Other worst forms of child labor exist in Lesotho. Children are used by criminals to engage in illicit activities such as theft, drug trafficking, and dealing in stolen goods.²⁸⁸⁶ They are vulnerable to commercial sexual exploitation.²⁸⁸⁷ Children are also reportedly trafficked from Lesotho to South Africa for domestic service and commercial sexual exploitation.²⁸⁸⁸

Lesotho has the third-highest rate of HIV prevalence in the world.²⁸⁸⁹ The HIV/AIDS pandemic contributed to a rapid increase in the number of orphans and vulnerable children (OVC) in Lesotho from 2005 to 2008.²⁸⁹⁰ OVC, especially girls, often become primary caregivers for their family members.²⁸⁹¹ These vulnerable children frequently leave school and engage in the worst forms of child labor, including prostitution and domestic service, to survive.²⁸⁹²

Laws and Regulations on the Worst Forms of Child Labor

According to the Labour Code, the minimum age for employment is 15 and the minimum age for hazardous work is 18. Children age 13 to 15 may perform light

work in a home-based environment, technical school, or other institution approved by the Government.²⁸⁹³ The Labour 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.²⁸⁹⁴

Gaps in the law remain. Neither the Labour Code nor any other law specifies the types of hazardous work that may cause harm to children's health, safety, and morality.²⁸⁹⁵ The Labour Code does not extend hazardous work protections to children who are employed without a contract.²⁸⁹⁶

No legislation prohibits the use of children for the distribution and production of drugs, a known problem in Lesotho.²⁸⁹⁷ Lesotho does not have laws specifically prohibiting trafficking in children for either sexual or labor exploitation. However, violators can be prosecuted under the Child Protection Act of 1980, the Sexual Offenses Act of 2003, and the Labour Code Order of 1981 as amended.²⁸⁹⁸ The draft Children's Protection and Welfare Bill would criminalize and define child trafficking, but it has not been enacted.²⁸⁹⁹

	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	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Lesotho established

coordination mechanisms for fighting trafficking, research found no evidence of a coordination mechanism to combat the worst forms of child labor.²⁹⁰⁰ In July 2009, the Government launched the Multi-Sectoral Committee on Trafficking (MCT).²⁹⁰¹ The MCT 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, Youth, and Sports; 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; the Ministry of Home Affairs; and the Ministry of Law and Constitutional Affairs.²⁹⁰² Despite this level of participation, the MCT does not have financial resources and a finalized National Plan of Action.²⁹⁰³

The Ministry of Labor and Employment (MOLE) and the Child and Gender Protection Unit (CGPU) in the national police are responsible for enforcing child labor laws and investigating child labor violations. Weekly, MOLE inspects a sample of formal enterprises for Labor Code violations, including the use of child labor. In 2009, MOLE inspectors did not identify any child labor violations.²⁹⁰⁴ According to ILO, the labor inspection system in Lesotho could become more efficient and effective with additional financial resources.²⁹⁰⁵

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.²⁹⁰⁶ It has an office in each of Lesotho's 12 police districts that is staffed by three officers.²⁹⁰⁷ During the reporting period, CGPU did not investigate any cases related child trafficking, child prostitution, or the use of children in illicit activities.²⁹⁰⁸ The Government also did not provide any specific funding for CGPU to investigate the worst forms of child labor.²⁹⁰⁹

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have an approved policy framework for the elimination of the worst forms of child labor. The Government drafted a national action plan for the elimination of child labor in 2008, but the plan is under review in Lesotho's Cabinet and has not been adopted.²⁹¹⁰ During the

reporting period, MCT developed a national action plan to combat human trafficking. However, in 2009, it did not present this plan to the Government for review.²⁹¹¹

The Government's National Orphans and Vulnerable Children strategic plan notes that OVC are exposed to child labor and the plan calls for improved child welfare legislation and expanded vocational training, but it does not propose any social programs to withdraw or prevent such children from engaging in exploitive labor.²⁹¹²

In cooperation with the Government of Lesotho, the UN Development Assistance Framework 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.²⁹¹³ The ILO Decent Country Work Program (DCWP) aims to create a framework for sustainable youth employment.²⁹¹⁴ The DCWP, however, did not include activities to target children engaged in or at risk of entering the worst forms of child labor.²⁹¹⁵

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

In recent years, the Government of Lesotho has cooperated with donor-funded regional projects focused on education quality and access for children

in or at risk of engagement in the worst forms of child labor, as well as targeted research and the development of action plans to combat the worst forms of child labor.²⁹¹⁶ One of these, an education project, withdrew 2,388 children and prevented 8,739 children in five countries (including Lesotho) from engaging in the worst forms of child labor.²⁹¹⁷

In 2009, the Government of Lesotho managed programs that reached children engaged in or at risk of entering the worst forms of child labor. The Government's National AIDS Commission implemented a strategic plan that aims to provide education and economic strengthening services to OVC and reduce the impact of HIV/AIDS on OVC, herd boys, and girls.²⁹¹⁸ The Government also continued to implement its Free Primary Education program. This program aims to eliminate school fees across the country through a phased approach and provide school meals to vulnerable children.²⁹¹⁹ The Government also conducted extensive public campaigns to increase awareness of human trafficking.²⁹²⁰

In cooperation with UNICEF, the Government launched the Child Grants Program in 2009 to provide direct cash transfers to vulnerable households in three districts. The program aimed to improve the welfare of children burdened with poverty, food insecurity, HIV/AIDS, and poor access to public services.²⁹²¹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to include a list of all hazardous activities prohibited for children, including the specific types of hazardous work that are likely to harm their health, safety, and morality.
- Ensure that labor laws provide protections for all children, regardless of labor contract status.
- Amend labor laws to prohibit the use of children for drug trafficking.
- Enact the Children's Protection and Welfare Bill to strengthen measures to investigate, prosecute and convict individuals involved in the trafficking of children for sexual and labor exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor that includes government efforts related to orphans and vulnerable children, education, and HIV/AIDS.
- Provide the Multi-Sectoral Committee on Trafficking with a clear mandate.
- Devote more financial resources to enforcement of child labor laws.

IN THE AREA OF GOVERNMENT POLICIES:

- Enact and implement the draft national action plans to combat child labor and trafficking.
- Articulate and implement actions to address the stated priority of child labor prevention within the national development agenda for orphans and vulnerable children.
- Assess the impact that the Decent Work Country Agenda's sustainable youth employment framework may or could have on addressing the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Increase the number of children benefiting from Lesotho's policy of free primary education.
- Extend the Child Grants programs to all districts of Lesotho.

²⁸⁷⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2002. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁸⁷⁷ Government of Lesotho, *2008 Integrated Labour Force Survey: Preliminary Results Report*, Maseru, 2009 3; available from <http://www.bos.gov.ls/downloads.htm>. See also U.S. Embassy - Maseru, *reporting*, February 1, 2010, para 2.

²⁸⁷⁸ ILO-IPEC, *World Day Against Child Labor: An Overview of Child Labour in Agriculture*, June 12, 2007; available from http://www.ilo.org/ipeinfo/product/download.do;jsessionid=0a038009ced9bab3789b0bd40418d8acb5cf86aacbd.hkzFngTDp6WImQuUaNaKchD31N4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3eIpkzFngTDp6WImQuXahiMchuKc3yQc2b48OX3b4Dtgj15eMbyknvrkLOIQzNp-65In0__?type=document&id=4048.

²⁸⁷⁹ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, Ministry of Employment and Labor and ILO, Maseru, 2006, 3-5. See also ILO Committee of Experts, *Individual Direct Request*

concerning *Worst Forms of Child Labour Convention, 1999 (No. 182) Lesotho (ratification: 2001)*, [online] 2010 [cited August 13, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/countrylist.pl?country=Lesotho>.

²⁸⁸⁰ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 5. See also UNICEF, *Humanitarian Action Lesotho 2007*; available from www.unicef.org/har07/files/countrychap_Lesotho.pdf.

²⁸⁸¹ U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 2 and 7.

²⁸⁸² Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6. See also U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 7.

²⁸⁸³ U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 2, 3, and 6.

²⁸⁸⁴ *Ibid.*, para 6. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6.

²⁸⁸⁵ ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*.

²⁸⁸⁶ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 3-4. See also U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 1b.

²⁸⁸⁷ U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 2-4.

²⁸⁸⁸ *Ibid.*, para 1b. See also UNESCO, *Human Trafficking in Lesotho: Root Causes and Recommendations*, Paris, 2007, 25; available from <http://unesdoc.unesco.org/images/0015/001528/152824E.pdf>.

²⁸⁸⁹ USAID, *The President's Emergency Plan for AIDS Relief; FY 2009 Country Profile: Lesotho*, [online] [cited August 13, 2010]; available from http://sa.usaid.gov/southern_africa/print/93.

²⁸⁹⁰ Government of Lesotho, *National HIV and AIDS Strategic Plan: 2006-2011 (Revised April 2009)*, National AIDS Commission, April 2009, paras 4.4.2.1 available from http://www.nas.org.ls/documents/REVISED_NSP_FINAL_VERSION.pdf.

²⁸⁹¹ *Ibid.*

²⁸⁹² ILO-IPEC, *SCREAM: A special module on HIV, AIDS, and Child Labour*, Geneva, 2007; available from <http://www.ilo.org/ipecc/Campaignandadvocacy/Scream/lang--en/index.htm>. See also Government of Lesotho, *National HIV and AIDS Strategic Plan*, para 4.4.3.1.

²⁸⁹³ Government of Lesotho, *Labour Code Order*, 24, (1992), sections 3, 124 (1-2) and 125 (1); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/31536/64865/E92LSO01.htm>.

²⁸⁹⁴ *Ibid.*, sections 125(1), 126(1), and 127(1).

²⁸⁹⁵ ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*, Article 3, clause d.

²⁸⁹⁶ *Ibid.*].

²⁸⁹⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Lesotho (ratification: 2001)*, [online] 2009 [cited March 18, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

²⁸⁹⁸ U.S. Department of State, "Lesotho (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

²⁸⁹⁹ ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*. See also U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 3.

²⁹⁰⁰ U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 2b.

²⁹⁰¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Lesotho".

²⁹⁰² U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 1a. See also U.S. Embassy - Maseru official, E-mail communication to USDOL official, November 10, 2010.

²⁹⁰³ Government of South Africa, *Tsireledzani: understanding the dimensions of human trafficking in Southern Africa*, March 2010, para 7.4.5.5; available from <http://www.hsra.ac.za/index.php?module=pagesetter&tid=8&filter1=bibtittle^like^trafficking&filter2=abstract^like^trafficking>. See also U.S. Embassy - Maseru official, E-mail communication, November 10, 2010.

²⁹⁰⁴ U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 16.

²⁹⁰⁵ A. Sivananthiram, *Assessment of the Labour Inspection System in Lesotho; Draft conclusions and recommendations of the mission to evaluate the system of labour inspection*, Geneva, March, 2005, 7.

²⁹⁰⁶ U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 16, 17, and 19.

²⁹⁰⁷ UNESCO, *Human Trafficking in Lesotho*, 50. See also U.S. Embassy - Maseru official, E-mail communication, November 10, 2010.

²⁹⁰⁸ U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 20.

²⁹⁰⁹ *Ibid.*, para 19.

²⁹¹⁰ *Ibid.*, paras 21 and 23.

²⁹¹¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Lesotho".

²⁹¹² Government of Lesotho, *National OVC Strategic Plan: 2006-2011*, 6, 13-14, 108-114; available from <http://www.health.gov.ls/National%20OVC%20Strategic%20Plan-%20%20a%20copy%20032007.pdf>.

²⁹¹³ UN, *United Nations Development Assistance Framework; Action Plan, 2008-2012*, Maseru, Lesotho, December, 2009, 18, 20, and 21; available from http://www.ls.one.un.org/whatwedo/undaf_action_plan.php. See also

Government of Lesotho, *Kingdom of Lesotho; Education Sector Strategic Plan; 2005 to 2015*, Maseru, March 2005, para 4.6.2.

²⁹¹⁴ ILO, *Decent Work Country Programme; Lesotho; 2006 to 2009*, 20; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf.

²⁹¹⁵ ILO, *Decent Work Country Programme; Lesotho*, 2006, 20-21; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf.

²⁹¹⁶ American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA)*, Project Document, Washington, DC, September 8, 2005, cover sheet, 17, 18. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008, 1-4. See also U.S. Department of Labor, *Technical Cooperation Project Summary: Supporting the Timebound Program to Eliminate the Worst Forms of Child Labor in South Africa, and laying the Basis for Concerted Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, August 11, 2010 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

²⁹¹⁷ American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education*, Technical Progress Report, August, 2008, 20.

²⁹¹⁸ Government of Lesotho, *National HIV and AIDS Strategic Plan*, paras 4.4.2.4, 4.4.3.4, and 4.4.4.

²⁹¹⁹ UN General Assembly, *National report Submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lesotho*, February 22, 2010, para 92; available from <http://www.upr-info.org/-Lesotho-.html>.

²⁹²⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Lesotho”.

²⁹²¹ UNICEF, *Lesotho cash-grants pilot programme aims to ensure vulnerable children’s rights*, November 18, 2009; available from http://www.unicef.org/infobycountry/lesotho_51799.html?q=printme.