

In 2012, Lesotho made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government established a Children's Court to enforce all criminal laws protecting children against child labor, child trafficking, commercial sexual exploitation, and the use of children in illicit activities. The Government also expanded its Children's Grant program to include a tiered support system to households with more children. However, gaps in the law leave children working in domestic service, street vending, and most types of agriculture unprotected from labor violations. Children continue to be engaged in the worst forms of child labor, including in dangerous cattle herding and in 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, 2013.(1)

All other data: Understanding Children's Work Project's analysis, 2013.(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 cattle herding and domestic service. Cattle 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, and are at risk of being attacked by armed thieves because they work in isolation.(3) Children herding cattle also may suffer injuries such as being bitten, butted, gored, or trampled by animals.(5, 6) According to Lesotho's 2008 labor survey, an estimated 66.0 percent of working children ages 6 to 14 in Lesotho are engaged in farming.(7, 8) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(9, 10)

Children, mostly girls, are commonly employed as domestic servants.(3, 4) These children work long hours, sometimes up to 16 hours a day.(4, 7) They also may be required to perform strenuous tasks, may lack sufficient food or shelter, and may



be susceptible to sexual abuse because they are isolated in private homes.(10)

Children also engage in informal street vending during which they work long hours, generally without breaks, up to 7 days a week.(3) These children work in severe weather and are used by criminals to engage in illicit activities, such as theft.(3, 4)

Commercial sexual exploitation among both boys and girls is a problem in Lesotho. Many of these children are HIV/AIDS orphans; driven by poverty, they migrate to urban areas to engage in prostitution for survival.(4) Children are reportedly trafficked from Lesotho to South Africa for commercial sexual exploitation and domestic service.(4, 11)

With an HIV/AIDS rate of 23.3 percent, Lesotho has the third-highest rate of HIV prevalence in the world.(12, 13) The HIV/AIDS pandemic has resulted in 140,000 orphaned children as of 2011.(13) Orphans and vulnerable children (OVC), especially girls, often become primary caregivers for other family members and act as heads of households.(14)

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code and the Children's Protection and Welfare Act (CPWA), 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.(15, 16) Light work may not cause harm to the health or development of a child and should not affect a child's ability to attend and to benefit from school.(16) The Labor Code and the CPWA prohibit the employment of children at night and in work that is likely to jeopardize their health, safety, and morals.(15, 16)

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The CPWA defines hazardous work for children as mining and quarrying, portering, cattle herding, tobacco production, commercial sexual exploitation, work in bars and hotels, work in manufacturing where chemicals are produced or used, and work with dangerous machines.(4, 16) The law does not extend protections against hazardous labor to children employed in domestic service, street vending, and most types of agriculture.(17, 18) Although there are maximum penalties for violations of the CPWA, the Act does not set minimum punishments for employing underage children or exploiting children in night work, industrial undertakings, or hazardous work for first-time offenders.(16)

International Conventions and Selected Laws on Child Labor and Education

	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	13
	Free Public Education	Yes

While Lesotho's Education Act of 2010 makes primary education free and compulsory from age 6, the age to which it is compulsory is not clear.(3, 19, 20) This decreases the likelihood of children attending school and may increase their vulnerability to exploitation.

The Constitution prohibits forced labor.(21) Lesotho's Anti-Trafficking in Persons Act of 2011 prohibits trafficking of all citizens, including children, for both sexual and labor exploitation.(22) The Anti-Trafficking in Persons Act of 2011 provides for a maximum penalty of life imprisonment for child trafficking.(7) 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.(3)

Military service in Lesotho is voluntary, and the minimum age for conscription is 18.(23) No legislation prohibits the use of children for illicit activities, such as the distribution and production of drugs. The ILO Committee of Experts recommends that amendments to the Labor Code prohibiting the use, procurement, or offering of children in illicit activities, principally the production or trafficking of drugs, that have been pending since 2006, be ratified.(24)

Institutional Mechanisms for Coordination and Enforcement

In 2012, the Government of Lesotho renamed its multisectoral Program Advisory Committee on Child Labor to the National Task Team on child labor (NTT). The NTT still oversees the coordination of child labor programs at the national level.(3, 4) The NTT 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.(3, 4) The Child Labor Unit within the MOLE is responsible for leading the NTT.(4) There is no evidence of the NTT functioning during the reporting period.(4)

The Multi-Sectoral Committee on Combating Trafficking in Persons (MSC) is the Government of Lesotho's lead agency on trafficking in persons, including children, and is responsible for providing recommendations on legislations and policies to prevent trafficking. Chaired by the Ministry of Home Affairs, the MSC also has representations from the MOLE, the Child and Gender Protection Unit (CGPU) and the Ministries of Foreign Affairs; Gender, Youth, Sports and Recreation; Health and Social Welfare; Law and Constitutional Affairs; Justice and Human Rights; and Education and Training, among others.(17, 25) While the MSC is tasked with drafting a National Plan of Action to Combat Trafficking and National Referral Guidelines for the Victims of Trafficking, these were not completed in 2012.(25) During the reporting period, World Vision assisted the MSC in drafting the referral guidelines, but the document remains under revision.(25) The MSC is also responsible for coordinating with stakeholders to conduct research on the extent of trafficking in Lesotho, conducting public awareness campaigns, identifying training needs of law enforcement, and ensuring the adequate protection, return, and reintegration of trafficking victims.(17) The MSC held two meetings in 2012.(25)

The MOLE and the CGPU of the national police are responsible for enforcing child labor laws and investigating child labor violations.⁽⁴⁾ The MOLE has approximately 40 inspectors. These inspectors verified compliance with child labor laws during general labor inspections within the formal sector. The Government, UNICEF, and NGOs indicated that the number of inspectors was inadequate.⁽⁴⁾ The MOLE and the CGPU also reported having inadequate resources, including insufficient transportation and fuel, to investigate child labor violations.⁽⁴⁾ While the ILO organized a training on child labor for labor inspectors during the reporting period, the MOLE reported it to be inadequate because it did not provide practical skills for inspections in the informal sector.⁽⁴⁾ 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.⁽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. The Public Prosecutor's Office is responsible for prosecuting offenders of child labor-related laws.^(4, 26) CGPU investigations are funded under the general operation budget of the national police; 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⁾

The Government of Lesotho could not provide statistics on the overall number of investigations, prosecutions, and convictions of child labor and trafficking laws for the reporting period. In 2012, the MOLE carried out 1,200 labor inspections, an increase from 1,000 inspections in 2011. These inspections were mostly in the formal sector, although child labor is most prevalent in the informal sector.^(3, 4) In 2012, the CGPU investigated 171 cases involving children, but could not determine how many of the investigated cases involved child labor.⁽⁴⁾ One trafficking case concerning a minor was prosecuted.⁽⁴⁾ If child trafficking victims were found, they were generally placed with the Lesotho Child Counseling Unit, a local charity that specializes in rehabilitating abused children.⁽²⁵⁾ No children were withdrawn from trafficking during the reporting period. The labor inspectorate and national police anecdotally reported identifying one child labor case involving a 14-year-old girl working as a domestic worker. When they attempted to remove the child from the home and reunite her with her family, the child refused. There is no evidence of a final resolution during the reporting period.^(4, 25)

The Government of Lesotho established a Children's Court in 2012 to be responsible for the enforcement of all criminal laws to protect children, including laws against forced labor, child trafficking, commercial sexual exploitation, and use of children in illicit activities. The Court did not hear any child labor cases during the reporting period.⁽⁴⁾

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have a functioning policy framework specifically for the elimination of the worst forms of child labor. The Government established a National Action Plan for the Elimination of Child Labor (APEC) in 2008 but could not begin implementation because the APEC had not received cabinet approval.^(3, 4) The APEC was revised in 2011 so that it would not need such approval or an independent budget.⁽³⁾ During the reporting period, the Government conducted a needs assessment of APEC implementing agencies to assess their readiness and the assistance they would need to implement APEC effectively and to determine the most appropriate way forward for implementation.⁽⁴⁾

The Government of Lesotho continues to implement its Education Sector Strategy Plan 2005-2015. The plan calls for improving access, equity, and quality of education. As part of this plan, the Government enacted the Education Act of 2010.⁽²⁷⁾ Lesotho's education policy also aims to eliminate school fees across the country through a phased approach and to provide school meals to vulnerable children.^(3, 28) Effective January 2012, school fees were lowered in all public secondary schools. These advancements in the education policy are likely to increase school enrollment and may decrease child labor.⁽³⁾ However, no assessment has been made on the impact of the Government of Lesotho's education policies on child labor.⁽⁴⁾

The Government's National Policy on Orphans and Vulnerable Children notes that OVC are exposed to child labor, safeguards the rights of OVC to an education, and calls for child labor prevention and vocational training programs.^(14, 29) Through its National AIDS Commission, the Government of Lesotho also developed the HIV/AIDS Strategic Plan 2010-2012 for the herd boys' community. This Plan calls for access to education and HIV/AIDS awareness raising for herders.⁽³⁰⁾ Although herd boys are no more affected by HIV/AIDS than the rest of the Lesotho population, this Plan is directed at the herd boys' community, because they are considered especially vulnerable due to their poverty, level of education, and geographical inaccessibility. Many Basotho boys raised as herders do not receive formal education and are illiterate, which prevents them from being able to read the materials published on HIV/AIDS issues.⁽³⁰⁾

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The 2008 United Nations Development Assistance Framework (UNDAF), revised in 2009, ended in the reporting year. The UNDAF developed core strategies to set national priorities for poverty reduction and the attainment of the Millennium Development Goals in Lesotho.(31) These include provisions for vulnerable populations, such as children with HIV/AIDS and OVC.(31) The UNDAF promoted education for herd boys, domestic workers, and vulnerable children. It also supported youth employment and built the Government's capacity to provide social welfare services to vulnerable children.(31) The new UNDAF cycle will run from 2013 to 2017 to align with national development processes.(8)

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

During the reporting period, the Government conducted public campaigns to increase awareness of human trafficking. With support from an NGO, the national police conducted a campaign for taxi drivers to assist in identifying and preventing trafficking.(25)

The Government of Lesotho continued to implement its Child Grant Program, increasing its support from 50.0 percent of the benefit cost of the program to 75.0 percent in 2012. The EU contributed funding for the remaining 25.0 percent.(4) The Child Grants Program provides direct cash transfers to the

OVC as a means to improve the living standards of the OVC by increasing their school enrollment and improving their nutrition and health.(4) In 2012, the Government introduced a tiered transfer system for the Child Grants Program, which increases the grant amount per household based on the number of OVC for which each household is caring. Households with one to two children receive \$41 per quarter, those with three to four children receive \$69 per quarter, and families with five or more receive \$87 per quarter.(4) As of September 2012, the Child Grants program served 9,987 households caring for 27,959 children.(4) The Government also continued its support of the OVC Scholarship Program, which pays for the tuition, uniforms, supplies, and boarding fees for OVC. Since 2000, this Program has helped 22,000 children in Lesotho.(4) The Government and UNICEF described both the Child Grants Program and the OVC Scholarship Program as insufficient relative to the size of the OVC population. Research found no evidence of an assessment of the impact of either program on reducing the worst forms of child labor in Lesotho.(4)

Although the Government of Lesotho has implemented programs to assist the OVC, 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.

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	Legally establish 15 as the age to which education is compulsory to match the minimum age for full-time work.	2010, 2011, 2012
	Ensure that laws protect children working in domestic service, street vending, and agriculture.	2009, 2010, 2011, 2012
	Draft and adopt laws to prohibit the use of children for illicit activities.	2009, 2010, 2011, 2012
	Establish minimum penalties for those who commit offenses under the Children's Protection and Welfare Act.	2011, 2012
Coordination and Enforcement	Ensure that the NTT serves its function to coordinate efforts to combat child labor.	2011, 2012
	Provide adequate funding to support the MOLE and the CGPU to conduct child labor investigations.	2009, 2010, 2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Collect and publish appropriate statistics on investigations, prosecutions, and convictions of child labor and trafficking laws.	2011, 2012
	Provide training on practical inspection skills to all labor inspectors.	2011, 2012
	Implement a trafficking victim referral system.	2011, 2012
Policies	Implement the action results of the APEC need assessment to address child labor within the APEC specifically.	2009, 2010, 2011, 2012
	Assess the impact that the education policies may have on addressing child labor.	2012
	Adopt and implement the National Plan of Action to Combat Trafficking.	2012
Social Programs	Assess the impact of the Child Grants Program and the OVC Scholarships Program on the elimination of worst forms of child labor.	2012
	Implement social programs to assist children engaged in domestic service, commercial sexual exploitation, livestock herding, and street work.	2010, 2011, 2012

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